

**INDEX OF A REGULAR MEETING  
FORT LAUDERDALE CITY COMMISSION  
April 23, 2002**

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>	<u>Page(s)</u>
OB	Presentations:	
	1. Expressions of Sympathy .....	1
	2. Annual Paul Urschaltz Award .....	2
	3. Avon Breast Cancer Walk Days .....	2
	4. Community Appearance Board's WOW Award .....	2
	5. Justice for Children and Families, Inc. Day .....	2
	6. Eve Bazer – 2002 Minority Small Business Advocate of the Year Award .....	2
	7. Drinking Water Week and 2002 Drop Savers Poster Contest .....	3
CA	Consent Agenda .....	3
M-1	Event Agreement – Las Olas Annual Flower and Plant Show .....	3
M-2	Event Agreement – Hospice Regatta 2002 Clambake .....	4
M-3	Agreement – Gold Coast Ski Club – Water-Skiing Activities at Mills Pond Park .....	4
M-4	Transfer from General Fund Contingencies – Joint City and Florida Atlantic University (FAU) Design Urban Seminar .....	4
M-5	Disbursement of Funds – Joint Investigation – O.R. No. 99-171 - \$12,455.12 .....	4
M-6	Disbursement of Funds – Joint Investigation – O.R. No. 01-53157 - \$16,595.94 .....	4
M-7	Assignment of Agreement – Third Party Administrator (TPA) – USA Services Group Inc. to Benefits Management Co. (BMC) – RFP No. 502-8206 – Contract to Provide Various Group Health Benefits .....	5 & 9
M-8	Accreditation and Recognition Agreement – Commission on Accreditation for Law Enforcement Agencies, Inc. ....	5
M-9	Contract Award – R.L. Saum Construction Co. – Project 15200E – Holiday Park Phase II Roller Hockey Facilities .....	5 & 8
M-10	Task Order No.5 - Camp Dresser & McKee (CDM) – Project 10488 – Various Pump Station Rehabilitation/Replacement Preliminary Design Report .....	5 & 9
M-11	Settlement of Workers Compensation File No. WC 89-5351 (Michael Chalfonte) .....	12
M-12	Settlement of Police Professional Liability File No. PPL 96-1017 (Byron Keith Owens) .....	12
Pur. 1	Sale 329-8696 – Confiscated/Surplus Auction .....	6
Pur. 2	RFP 322-8664 – HOME CHDO Set-Aside Grant Funding .....	6
Pur. 3	Bid 722-8646 – Rental of Sound Equipment, Staging and Lighting .....	6
Pur. 4	Proprietary – Beverages for Cajun Festival .....	7
Pur. 5	772-7710 – Amendment to Grants Management Services Contract .....	7
Pur. 6	Bid 622-8671 – Cancel Previous Award and Award Contract for Elevator Maintenance .....	7
Pur. 7	Bid 522-8629 – Contract/Title Services, Residential Rehabilitation Program .....	8
Pur. 8	Florida Sheriff's – One Pickup and One Compact Sedan .....	8

**MINUTES OF A REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
April 23, 2002**

Meeting was called to order at 6:13 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Gloria Katz  
Commissioner Tim Smith  
Commissioner Carlton B. Moore (6:14)  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	Assistant City Attorney	Sharon Miller
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Waldman

Invocation was offered by *Dr. Diane Mann*, Senior Pastor of 4<sup>th</sup> Avenue Church of God.

Pledge of Allegiance to the Flag.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting      April 2, 2002

Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

At 6:14 P.M., Commissioner Moore arrived at the meeting.

**Presentations** ..... (OB)

1.      Expression of Sympathy

Mayor Naugle presented Expressions of Sympathy to the families of Jon Marc Henning, Ed Erwin, Dr. Thomas James Walker and Marilyn J. Guardabassi.

2. Annual Paul Urschaltz Award

Ms. Pat Mayers, of Citizens Crime Alert, presented the annual Paul Urschaltz for Community Policing Award to Officer Mike Balke. She advised that this was the first time the Award was being presented to an Officer who was not part of the Community Policing Division, but he had the full support of his neighborhood, and she had received several letters of nomination on his behalf. Ms. Mayers hoped every Police Officer would practice community policing one day.

The Police Chief and Commission recognized Officer Balke and family members present for this occasion. The Police Chief attributed much of the success in terms of crime reduction over the past few years to the Community Policing process and this partnership with the community. Ms. Lisa Helstrom, of Croissant Park, congratulated Officer Balke and said the neighborhood was honored to have such an exceptional team of officers working in the community. She stated that Officer Balke had gone above and beyond the call of duty. Officer Balke said he had been completely surprised by this honor until he had observed so many Croissant Park residents and his wife in the audience. He added that he did nothing more than any other officer in the Police Department, and he always tried to treat all residents as customers of the City.

3. Avon Breast Cancer Walk Days

Commissioner Hutchinson read aloud and presented a Proclamation observing April 19-21, 2002 as *Avon Breast Cancer Walk Days* in the City of Fort Lauderdale. Ms. Audrey O'Brien accepted the Proclamation, and Mayor Naugle recognized everyone present who had participated in the 60-mile Walk.

4. Community Appearance Board's WOW Award

Commissioner Katz presented the WOW Award for District 1 to:

*Gary and Leighanne McCartney*  
6801 Northwest 21st Terrace  
Palm Aire Village

She displayed photographs of the property and reported that the McCartneys had made extensive improvements to the landscaping and exterior of their home over the past three years, including flagstone-patterned walkways and lush tropical vegetation and palms. Commissioner Katz complimented Mr. and Mrs. McCartney on maintaining their home to the highest standards and presented them with gift certificates from the WOW Award sponsors, Lennar Homes and AMAR Hardware.

5. Justice for Children and Families, Inc. Day

Commissioner Moore read aloud and presented a Proclamation declaring April 27, 2002 as *Justice for Children and Families, Inc. Day* in the City of Fort Lauderdale. Mr. Harvey Meltzer had not been able to attend this meeting, so the City Clerk agreed to mail him the Proclamation.

6. Eve Bazer – 2002 Minority Small Business Advocate of the Year Award

Commissioner Smith read aloud and presented a commendation to *Eve Bazer* in honor of winning the 2002 Minority Small Business Advocate of the Year award.

7. Drinking Water Week and 2002 Drop Savers Poster Contest

Commissioner Hutchinson read aloud and presented a Proclamation declaring May 5-11, 2002 as *Drinking Water Week* in the City of Fort Lauderdale. Mr. Mike Bailey, Assistant Utilities Director, accepted the Proclamation and presented awards to the winners of the *2002 Drop Savers Poster Contest*:

Grades K – 1<sup>st</sup>

First Place

Amani Edwards, North Fork Elementary School

Second Place

Eveleana Barnes, North Side Elementary School

Third Place

Martensy Laleau, Riverland Elementary School

## Grades 2 – 3

First Place

Shawn Jolly, North Fork Elementary School

Second Place

Wexner Saturne, North Fork Elementary School

Third Place

Ashley Duhaime, Floranada Elementary School

## Grades 4 – 5

First Place

Cody DeBrabant, North Andrews Gardens  
Elementary School

Second Place

Whitney McFadden, North Fork Elementary School

Third Place

Marcus Robinson, North Fork Elementary School

At 6:35 P.M., Commissioner Moore left the meeting.

**Consent Agenda ..... (CA)**

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

**Event Agreement – Las Olas Annual Flower and Plant Show ..... (M-1)**

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Las Olas Association** to indemnify, protect, and hold harmless the City from any liability in connection with the **Las Olas Annual Flower and Plant Show** to be held **Sunday, May 19, 2002 from 11:00 a.m. to 6:00 p.m.**

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-574 from City Manager.

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**Event Agreement – Hospice Regatta 2002 Clambake .....** (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **HospiceCare of Southeast Florida, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with the **Hospice Regatta 2002 Clambake** to be held **Saturday, May 18, 2002 from 5:00 p.m. to 11:00 p.m.** at Esplanade; and further authorizing the closing of S.W. 4 Avenue from just south of the parking lot behind the old post office on S.W. 2 Street to the cul-de-sac at Riverwalk from 12:00 noon to 12:00 midnight on the event day.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-573 from City Manager.

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**Agreement – Gold Coast Ski Club – Water-Skiing Activities at Mills Pond Park .....** (M-3)

A motion authorizing the proper City officials to execute a two-year agreement with the Gold Coast Ski Club, Inc. to conduct water-skiing activities at Mills Pond Park.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-365 from City Manager.

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**Transfer from General Fund Contingencies –  
Joint City and Florida Atlantic University (FAU) Design Urban Seminar .....** (M-4)

A motion approving the transfer of General Fund Contingencies in the amount of \$1,069.52 to City Commission account COM010101/3199 (Other Professional Services) for the Urban Design Seminar to be jointly hosted by the City and FAU.

**Funds:** See Memo

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-618 from City Clerk.

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**Disbursement of Funds –  
Joint Investigation – O. R. No. 99-171- \$12,455.12 U. S. Currency .....** (M-5)

A motion authorizing the equitable disbursement of funds in the amount of \$732.65 to each of the 17 participating task force agencies.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-3-8 from City Attorney.

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**Disbursement of Funds –  
Joint Investigation – O. R. No. 01-53157 - \$16,595.94 U. S. Currency .....** (M-6)

A motion authorizing the equitable disbursement of funds in the amount of \$1,037.24 to each of the 16 participating task force agencies.

**Recommend:** Motion to approve.

**Exhibit:** Memo No. 02-4-2 from City Attorney.

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**Assignment of Agreement – Third Party Administrator (TPA) -  
USA Services Group Inc. to Benefits Management Company (BMC) –  
RFP No. 502-8206 – Contract to Provide Various Group Health Benefits ..... (M-7)**

A motion authorizing the proper City officials to execute an assignment to the agreement with USA Services Group Inc. to BMC as a TPA for administering the City's self-funded employee health benefits plan.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-620 from City Manager.

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**Accreditation and Recognition Agreement –  
Commission on Accreditation for Law Enforcement Agencies, Inc. ..... (M-8)**

A motion authorizing the proper City officials to execute an Accreditation and Recognition Agreement with the Commission on Accreditation for Law Enforcement Agencies, Inc. for accreditation of the Police Department.

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-510 from City Manager.

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**Contract Award – R. L. Saum Construction Company –  
Project 15200E – Holiday Park Phase II Roller Hockey Facilities ..... (M-9)**

A motion authorizing the proper City officials to execute an agreement with R. L. Saum Construction Company for the construction of the Holiday Park Phase II roller hockey facilities in the amount of \$1,269,000.

**Funds:** See Bid Tab

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-501 from City Manager.

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**Task Order No. 5 – Camp Dresser & McKee (CDM) – Project 10488 –  
Various Pump Station Rehabilitation/Replacement Preliminary Design Report ..... (M-10)**

A motion authorizing the proper City officials to execute Task Order No. 5 with CDM in the amount of \$62,216 for the preparation of a preliminary design report for the rehabilitation/replacement of Pump Stations A11, B8, D39, D47 and E5.

**Funds:** See Memo

**Recommend:** Motion to approve.  
**Exhibit:** Memo No. 02-500 from City Manager.

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<b>PURCHASING AGENDA</b>
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**Sale 329-8696 – Confiscated/Surplus Auction****(Pur-1)**

Authorization for prior approval of sale for any item that exceeds \$25,000 at the confiscated/surplus vehicle and equipment auction is being presented for approval by various departments.

Bids Solicited/Rec'd: N/A  
Exhibits: Exhibit A, list of confiscated and surplus vehicles

The Procurement and Materials Management Division has reviewed this item and agrees with the recommendation to approve the public auction sale to be held on May 15, 2002.

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**RFP 322-8664 – HOME CHDO Set-Aside Grant Funding****(Pur-2)**

An agreement for the award of HOME CHDO set-aside grant funding is being presented for approval by the Community and Economic Development.

Recommended Award: Dania Economic Development Corp., Inc.  
Dania, FL  
Amount: \$ 151,500.00  
Bids Solicited/Rec'd: 28/4  
Exhibits: Memorandum No. 02-553 from City Manager

The Procurement and Materials Management Division has reviewed this item and agrees with the recommendation to approve funding.

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**Bid 722-8646 – Rental of Sound Equipment, Staging and Lighting****(Pur-3)**

Two year contract for the rental of sound systems, staging and lighting is being presented for approval by the Parks & Recreation Department.

Recommended Award: Freelance Productions, Inc.  
Jupiter, FL  
Amount: \$ 33,095.00 (estimated annual)  
Bids Solicited/Rec'd: 32/5  
Exhibits: Memorandum No. 02-520 from City Manager

The Procurement and Materials Management Division recommends award to first ranked proposer.

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**Proprietary – Beverages for Cajun Festival****(Pur-4)**

An agreement to purchase specialty beverages for Cajun Festival is being presented for approval by the Parks and Recreation Department.

Recommended Award: Gold Coast Beverage Distributors  
Pompano Beach, FL  
Amount: \$ 14,800.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-547 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

**772-7710 – Amendment to Grants Management Services Contract****(Pur-5)**

An amendment to the grants management services contract is being presented for approval by the Public Services, Engineering Division.

Recommended Award: Stan A. Hemphill  
Plantation, FL  
Amount: \$ 135,000.00 (estimated)  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-441 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve amendment to the contract.

**622-8671 –****Cancel Previous Award and Award Contract for Elevator Maintenance****(Pur-6)**

A two-year contract for elevator maintenance services with cancellation of previous award is being presented for approval by the Public Services Department.

Recommended Award: Florida Coast Elevator, Inc. (WBE)  
Fort Lauderdale, FL  
Amount: \$ 32,128.00 (annual total)  
Bids Solicited/Rec'd: 8/2 with 1 no bid  
Exhibits: Memorandum No. 02-526 from City Manager

The Procurement and Materials Management Division reviewed this item and supports the recommendation to cancel the previous contract and issue new award to the low responsive and responsible bidder.

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**Bid 522-8629 –****Contract/Title Services, Residential Rehabilitation Program****(Pur-7)**

Two-year contract for title services, for the residential rehab program is being presented for approval by the Community and Economic Development Department.

Recommended Award: Principle Title Insurance Agency, Inc.  
Fort Lauderdale, FL  
Amount: \$ 43,200.00 (estimated annual)  
Bids Solicited/Rec'd: 15/3 with 1 no bids  
Exhibits: Memorandum No. 02-552 from City Manager

The Procurement and Materials Management Division recommends award to the low responsive and responsible bidder.

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**Florida Sheriffs – One Pickup and One Compact Sedan****(Pur-8)**

An agreement to purchase one pickup truck and one compact sedan is being presented for approval by the Administrative Services, Fleet Services Division.

Recommended Award: Duval Ford  
Jacksonville, FL  
Garber Chevrolet  
Green Cove Springs, FL  
Amount: \$ 37,025.00  
Bids Solicited/Rec'd: N/A  
Exhibits: Memorandum No. 02-579 from City Manager

The Procurement and Materials Management Division recommends award from the Florida Sheriffs Association contract.

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**Motion** made by Commissioner Hutchinson and seconded by Commissioner Katz that Consent Agenda Item Nos. M-9 and M-10 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Contract Award – R. L. Saum Construction Company –****Project 15200E – Holiday Park Phase II Roller Hockey Facilities ..... (M-9)**

Commissioner Katz said she had thought the problem with the hockey rink was that it was not the correct size. Mr. Pete Sheridan, Engineering Division, explained that the sideboards for the rink had not been part of the original contract, but it had become apparent that the sideboards were needed for this facility.

At 6:40 P.M., Commissioner Moore returned to the meeting and announced that he wished to specifically address Item No. M-7. He also advised that he did not think Holiday Park was the correct location for this facility.

**Motion** made by Commissioner Katz and seconded by Commissioner Hutchinson that Consent Agenda Item No. M-9 be approved as recommended. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

**Task Order No. 5 – Camp, Dresser & McKee (CDM) –  
Project 10488 – Various Pump Station Rehabilitation/  
Replacement Preliminary Design Report ..... (M-10)**

Commissioner Hutchinson wondered if more creative designs would be sought in the future. Mr. Paul Bohlander, Assistant City Engineer, advised that was not part of this item, but staff was working toward eliminating above ground structures with the exception of the control panel, antenna and waste stack. He noted that all of the stations were not being addressed at this time, but the general approach would be to pursue underground installations when pump stations were rehabilitated or replaced.

**Motion** made by Commissioner Hutchinson and seconded by Commissioner Smith to approve Consent Agenda Item No. M-10 as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to reconsider the approval of Consent Agenda Item No. M-7. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Assignment of Agreement – Third Party Administrator (TPA) –  
USA Services Group, Inc. to Benefits Management Co. (BMC) –  
RFP No. 502-82-6 – Contract for Various Group Health Benefits ..... (M-7)**

Commissioner Moore believed this was the correct action under the circumstances, but he was concerned about how long the exchange would take and the interface with current information-gathering methodology. Mr. Scott Denham, Risk Manager, stated that due diligence had been underway for some time now, and he had been keeping the City Manager informed on a day-to-day basis. He advised that reports had been prepared and, although this firm did not use the same system as the previous TPA, it was compatible.

*Mr. Rod Moody*, Consultant, acknowledged that BMC used a different system than did USA, but BMC could take the information out in a generic format and import it into its system. He noted that BMC had an IT Director with experience in this respect, and a strategy for checks and balances had been created. He stated that back-up data had been gathered over the past two weeks, and he believed the transition should be fairly quick.

Commissioner Moore wondered how current claims would be addressed since the current TPA had been losing employees. Mr. Denham said this was an excellent point and a concern that was being addressed. He advised that the staff at USA had been professional and timely in helping staff keep abreast of claim status, and they had been providing back-ups on CDs every few days for the past few weeks. He stated that an inventory report was prepared each time to identify all the claims in the system, and the volume of claims at various points of status. Mr. Denham explained that a three-way perspective was being taken, and there were tight controls on claim volume. He believed the transition would be very straightforward.

Commissioner Moore wondered what the City would do if USA stopped providing the information. Mr. Denham stated that USA had certain obligations under the assignment of agreement, and liability for underlying errors would not be released through this assignment. Commissioner Moore understood USA would be returning money to the City at a later date due to a high percentage of errors. He inquired about the average error rate. Mr. Denham believed there had been a 1.5% error rate on claims.

Commissioner Moore noted that during the selection of the TPA, there had been great concerns about retaining a local firm. He did not find that negative, other than it might have narrowed the search, but he wondered about the particular benefit of having a local firm. Mr. Denham explained that the City was new at this, so he felt it was important to take advantage of every aspect including proven, long-term stability.

Commissioner Moore asked the consultant if the City was appropriately staffed to administer benefits under a self-funded plan. Mr. David Burnham, of Rachlin Cohen, did not believe the City had enough staff to monitor a self-funded plan. He thought the City would need a more proactive look at this on a weekly basis because self-funding took very active management. Commissioner Moore had not seen that issue raised in any of the reports. Mr. Burnham explained his assignment had been to examine the USA operation and not the City's. In so doing, however, he had spoken with City staff as well, and other corrective actions had been taken. Nevertheless, he was of the opinion that the City was under-staffed in this respect.

The City Manager stated that he had come to understand the inadequacy of staffing levels, among many other things, whether it was in-house or outside staff. He advised that additional recommendations would be forthcoming in the near future as to some of those other issues, but those things had not been the initial focus of efforts. Commissioner Moore understood the need to move quickly, but he did not want to err in other areas through haste. He was concerned that the City did not have a Benefits Specialist.

Commissioner Moore referred to the pricing and plan changes. He agreed the PPO had to be changed and that the benefit structure had been too rich, and he was glad such issues were being corrected. However, he wondered if the member per month fee had been negotiated. Mr. Denham explained that this was an assignment of the current service agreement, under the same terms. He stated that this had not reopened the contract to negotiation. Commissioner Moore was concerned about that since the City currently had a plan that was operating "in the red." He felt this was an opportunity to deal with what it cost to administer this plan. Commissioner Moore wondered if it would be illegal, now that the City had a new TPA, to negotiate the per member cost. He felt \$15.50 was high, and he thought this was an opportunity to address that issue.

Mr. Bud Bentley, Assistant City Manager, advised that Mr. Buffington had left the meeting after the Purchasing items had been approved. He noted that this was a contract being assigned from one TPA to another, but it was not an open contract. Mr. Bentley believed the City could request concessions during this period, but they could not be required, and negotiations could not be required either. He stated that in order to open the contract to negotiation, the existing contract would have to be terminated or not renewed upon a future renewal date. Commissioner Moore believed it was essential to negotiate the price. Mayor Naugle suggested that the item be temporarily tabled until Mr. Buffington returned to the meeting.

Commissioner Smith understood the main problem had been that the TPA had not sent the claims over in a timely fashion, and there had been a high error rate. He wondered if the new TPA knew why the previous TPA had gotten the City into so much trouble with the self insurance plan and why the new company would be better. *Mr. Walter Fireman*, Chief Operating Officer of BMC, was hesitant to speak ill of another TPA, although he could tell the Commission how BMC would handle claims. He stated that claims would be turned around in 14 days on average, and anything above a certain level would be reported immediately. Mr. Fireman described the background and experience of BMC and some of the systems that were utilized. At the request of Commissioner Smith, Mr. Fireman listed some of the firm's other clients. Commissioner Smith asked Mr. Fireman if he thought the City was large enough to have a self-funded plan, and he replied he did.

Commissioner Moore asked if BMC worked with any other municipal governments, and Mr. Fireman replied that it work with the City of Miramar. Commissioner Moore asked Mr. Fireman if BMC if he would be willing to discuss the per claim fee. Mr. Fireman advised he was not authorized to speak about pricing on behalf of the company. He explained that the company owner was in Washington, D.C., but he could address rates when he returned. Commissioner Smith wondered if there was enough time to wait two weeks for such discussions. Commissioner Moore did not think so under the circumstances, but he felt strongly that the fee should be addressed.

Commissioner Moore asked how BMC would be compensated for work the City had already paid the former TPA to do. Mr. Denham said that any time there was movement from one administrator to another; there was some "run off" volume. This had been discussed with the Insurance Advisory Board, and it had been recognized that the run off was an obligation that had to be met, and there was a cost factor involved. He had a letter from BMC indicating that if the files were in good order, and he believed they were, the gross rate would be 7.5% of the value of the claim. In addition, staff had been processing the claim volume down as rapidly as possible to reduce that obligation. Mr. Denham stated that 7.5% was an accepted industry standard.

*Mr. Lloyd Rhodes*, consultant, referred to administrative fees. He stated that the existing charges included in the contract being assigned had been established through an RFP process. Mr. Rhodes said that annual estimated cost of TPA service was \$314,000, and the annual claim costs exceeded \$12 million, so the TPA cost was not a very significant portion of the overall expense. He thought the City should be more concerns about discounts from hospitals, better review management, employee contributions, and things of that nature, which had a much greater impact on overall expenses. Further, in this case, there were no other hidden fees such as commissions, and he recommended a fixed fee approach based on his experience in the marketplace. He believed everything was going in the right direction, and the TPA fees in this case were in keeping with the marketplace and were the result of the RFP process. Commissioner Moore pointed out that process had also resulted in a TPA that was "going under."

Commissioner Moore wanted a reduction in the per month per claim fee now. Commissioner Smith wondered if this could be deferred to the next meeting to investigate that possibility. Mr. Bentley strongly recommended this assignment be addressed today. He noted that this contract was due for renewal on September 1, 2002, and it contained a clause for termination with 90 days notice as well, which would be the end of May. Mr. Bentley suggested the Commission approve the assignment and request a most favored firm clause for like governmental entities to give staff a chance to negotiate it with BMC. If it were not acceptable, notice of termination could be issued by the end of May and the contract let for new bid.

Commissioner Moore said he could agree to that compromise, but he felt the City should be much more strict in its handling of this plan. He stated that he would deal with the favored nations issue, as long as the run off claims were handled in the same manner.

**Motion** made by Commissioner Smith and seconded by Commissioner Katz to approve Consent Agenda Item No. M-7 as discussed. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

<b>MOTIONS</b>
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Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

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**Settlement of**

**Workers Compensation File No. WC 89-5351 (Michael Chalfonte) ..... (M-11)**

A motion was presented authorizing the settlement of Workers Compensation File No. WC 89-5351 (Michael Chalfonte) in the amount of \$44,500.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the settlement of WC 89-5351 (Michael Chalfonte) in the amount of \$44,500. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Settlement of**

**Police Professional Liability File No. PPL 96-1017 (Byron Keith Owens) ..... (M-12)**

A motion was presented authorizing the settlement of Police Professional Liability File No. PPL 96-1017 (Byron Keith Owens) in the amount of \$87,500.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the lien settlements as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Historic Designation – Lauderdale Beach Hotel (HPB Case No. 27-H-01) ..... (PH-1)**

At the January 14, 2002 special meeting, the Historic Preservation Board approved the following application by a vote of 10-0. (Also see Item PH-2 on this Agenda)

Applicant: Steven Marc Glassman  
Request: Historic designation of building  
Location: 101 South Fort Lauderdale Beach Boulevard

Mayor Naugle called for those who wished to be heard. Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following appeared:

Commissioner Smith understood there would be public comment, but he wanted everyone to know that conceptual agreement had been reached between the owners and the applicant for historic designation to preserve the front of the hotel, the clock tower, the lobby, and both sides. He stated that these talks had taken place over numerous meetings, and he had been pleased with the outcome. Commissioner Smith just wanted everyone to be aware that there was a potential compromise because the building could be "sliced" down the center, from north to south, in order to preserve its historic character.

*Mr. Neil Kalis*, representing the property owner, said he would be willing to stipulate the information mentioned by Commissioner Smith and certain assurances regarding the demolition. *Mr. Steve Glassman*, applicant, advised that he would defer to the staff report in this regard. Commissioner Smith was pleased that the owner was willing to stipulate to some sort of historic designation of the property, and he wondered if the owner would be willing to stipulated to the historic designation overall.

Mayor Naugle felt that in order for this historic designation to be proper, there should be certain information entered into evidence so it could not be challenged at a later date, perhaps by a future property owner.

Commissioner Moore wondered if any portion of the building could be demolished later if the site was designated as historic now. Mr. Mike Ciesielski, Construction Services Bureau, advised that any application for demolition would have to be approved by the Historic Preservation Board, and the Commission was empowered to override its advisory decision. Commissioner Moore understood the developer was agreeable to preserving the eastern portion of the site, so it appeared there was no need to go further.

Mayor Naugle asked if there had been agreement on historic designation for the entire site or was a partial designation under consideration. *Mr. Charles Jordan*, Chairman of the Historic Preservation Board, stated that designation of the entire site had been the issue presented to the Board. He did not think there should be anything less, and a great deal of evidence had already been presented on all sides of the issue. Mr. Jordan noted that the Board's vote in this respect had been unanimous, which was unusual, so he did not think "chopping off" one part of the building would meet the criteria set forth by ordinance. He objected to that idea.

Commissioner Moore understood the Board wanted either all or nothing. Mr. Jordan explained that with the historic designation of the site, all of the issues could be considered in the way contemplated by ordinance, which addressed all the historic aspects of a site. However, historic designation did not mean that the owner could not touch the building. Rather, the owner just had to be sensitive and satisfy the public through the forum of the Historic Preservation Board.

Commissioner Smith wondered if there was some other route that could be taken in order to craft an agreement reflecting the consensus of both sides, other than the tact of declaring the entire site historic.

Ms. Cecelia Hollar, Construction Services, explained there were two items on the agenda. The first involved the recommendation of the Historic Preservation Board to designate the entire site as historic. She stated that there was a provision in the Code based on certain criteria and, how the Commission voted on that issue would determine what happened next. For example, if the Commission did not support that recommendation, direction would be needed as to the site plan presented as Item PH-2.

Commissioner Smith understood the City Commission could declare the entire site historic, half historic or none historic. Ms. Hollar agreed, and the decision should be based upon the criteria contained in the Code. Commissioner Smith believed a dispute resolution procedure had been discussed by the City Attorney's Office, which would provide for a mitigation and compromise session. Ms. Hollar stated that if a development permit was denied, an applicant could apply for the dispute resolution process under the Bert Harris Act. She stated that process allowed an opportunity to discuss resolution of remaining issues to reach a compromise. Ms. Miller confirmed that information. She added that if a compromise were reached in the dispute resolution process, it would come back to the Commission for approval. If not, there were other options.

Commissioner Moore thought that if the concept outlined by Commissioner Smith was acceptable to the applicant and the owner, there was no need for a long hearing. Mayor Naugle believed it was necessary to establish a record of evidence relating to the historic nature of the property. He feared that without establishment of such a record, a historic designation would be a "sham." Mayor Naugle recalled past instances in which buildings were designated as historic, and then staff had found a way they could be demolished.

Mr. Bob Dunckel, Assistant City Attorney, said that if the developer was willing to stipulate to the historic designation and to the denial of the site plan, and if a dispute resolution process was unsuccessful, there was a possibility that an appeal could be taken to circuit court. He suggested a stipulation that if the court granted certari, it would come back to the Commission for a de novo hearing. At that time, there would be an opportunity to present all of the evidence. Mr. Dunckel understood the parties believed an appropriate resolution of the matter might be found and that, coupled with that stipulation, would give the City "the best of both worlds."

Commissioner Smith asked Mayor Naugle to name properties that had been demolished after historic designation. Mayor Naugle cited the Brickell Avenue properties, the Oliver Building, the Lauderdale Hotel, and the Max & Roral Building as examples. Commissioner Smith wanted a list along with the names of the staff members who had been responsible and how it had been done. Mayor Naugle said he had letters sent to the City Commission indicating that the buildings were protected, as well as a "secret memo" sent to the developer. It had not been contained in the outgoing correspondence file. Commissioner Smith desired a full report in this regard.

Mr. Ciesielski stated that Item PH-1 was a request to consider the Lauderdale Beach Hotel for historic designation. He reported that Mr. Glassman had submitted this application on October 17, 2001, and he pointed out the property in question on a location map. He advised it was located at 101 South Fort Lauderdale Beach Boulevard, and it was bounded by Cortez Street to the north and Poinsettia Street to the south. Mr. Ciesielski noted that a legal description had been provided.

Mr. Ciesielski said that the buildings given the greatest attention by the applicant and the consultant, and the Historic Preservation Board included the 3-story building along South Fort

Lauderdale Beach Boulevard and Cortez Street and the 6-story building located at the corner with Poinsettia Street. He advised that the 3-story structure had been constructed in 1936, and the 6-story addition had been built in 1937. Further, the 1-story addition to connect the two buildings had also been built in 1937.

Mr. Ciesielski stated that the Historic Preservation Board had recommended approval of the application for historic designation at its January meeting, based on its conclusion that these buildings met 3 of the criteria contained in the Code. He displayed the criteria for examination and pointed out that a building only had to meet 1 of those criteria, and the Board found this application met the following 3 criteria:

1. its location was the site of a significant local, state or national event;
2. identification as the work of a master builder, designer, or architect whose work had influenced the development of the city, state or nation; and
3. its value as a building recognized for the quality of its architecture and possessing sufficient elements showing its architectural significance.

At 7:43 p.m., Commissioner Hutchinson left the meeting. She returned at 7:45 p.m.

Mr. Ciesielski pointed out that additional information about this application had been provided, and the memo provided to the Commission included the Historic Preservation Board January meeting minutes. He explained that the intent of this hearing was to determine whether the proposed designation met the criteria contained in the Code. If the Commission made that determination, the Code called for approval of the designation or approval of the designation with conditions necessary to ensure the criteria had been met.

*Ms. Marilyn Rathbun*, Historic Preservation Consultant for the City, agreed the location had been the site of a significant local, state or national event in light of the fact that it had been the first large resort built on Fort Lauderdale's beach. She advised that the decision to build this resort had helped kick start the local economy after the Depression, and 5,000 servicemen had been trained in Fort Lauderdale, which became an important training site for the U.S. Navy in World War II.

Ms. Rathbun referred to the next criteria. She reported that Charles Knight had commissioned Roy F. France to design the first phase of the Lauderdale Beach Hotel in 1936, and Mr. France had designed the second phase as well in 1937. She advised that Mr. France had been one of the busiest Architects on Miami Beach, and many of his projects still stood and contributed to the National Register. Ms. Rathbun stated that the Lauderdale Beach Hotel was one of the few large buildings of this style in the City, and she listed some of the other buildings designed by Mr. France.

Ms. Rathbun referred to the criteria about the value of a building recognized for the quality of its architecture and features of architectural significance. She described the style of the buildings and pointed out the horizontal elements, wraparound corner windows, steel-frame casements and "eyebrows" above the windows. Ms. Rathbun noted the courtyard with low walls and the art deco inspired handrail on the roof terrace of the one-story section of the building. She advised that the second phase in 1937 had complemented rather than duplicated the earlier structure with decorative balconies and corners set back from generous roof terraces.

Ms. Rathbun felt the most distinctive feature of the addition was the 7-story, square clock tower that rose from the courtyard with art-deco elements such as vertical striping. She noted that



another addition had been made over 50 years ago, and various changes had taken place over the ensuing years. For example, windows had been replaced with more modern but compatible windows, and pipe railing of similar design to the original had been added to the balconies. Nevertheless, the elegant massing of the building's four main components had remained the same. Ms. Rathbun believed this building met the criteria contained in the Code.

*Ms. Diane Smart* said she was a partner in this application. She advised that in addition to the fact that the building met the criteria as indicated by Ms. Rathbun, there were other reasons this building should be preserved. Ms. Smart believed Fort Lauderdale's 100<sup>th</sup> birthday was upcoming, and the City only had a few historic buildings. She noted that the Lauderdale Beach Hotel had been built at about the same time as the Governor's Club and the Riverside Hotel. Ms. Smart felt there were a small number of traditions in Fort Lauderdale, and the Lauderdale Beach Hotel was a gem.

Ms. Smart stated that there were more and more 20-plus-story buildings going up, and she was concerned about the human scale of the area. She felt tourists looked for tradition and heritage when they visited, and this Hotel was a little bit of tradition in a canyon of high-rises. Ms. Smart also felt there was a condominium glut in the beach area already, and more were planned in a very concentrated area. She thought the Lauderdale Beach Hotel should be preserved to maintain the character of the area.

*Mr. Kalis*, Attorney, introduced the property owner, the Strine Family represented by *Mr. William Strine, Sr.*, which had purchased the Lauderdale Beach Hotel in 1973. He also introduced *Mr. Alan Forge*, the General Manager, and his colleagues, *Mr. Charles Foreman* and *Ms. Vanessa Thomas*. *Mr. Guido Vido*, the Architect was introduced as well. Mr. Kalis thanked the Commissioners for making themselves available to the parties, and they had provided a forum to foster ideas and share different views about the potential of this property. He specifically mentioned Commissioner Smith, who had tried to put the parties together and acted as a catalyst to bring about a compromise. Mr. Kalis said that in all of the meetings with Mr. Glassman and Ms. Smart, everyone had become receptive to each other's ideas realizing that compromise often resulted in the best remedy for everyone.

Mr. Kalis stated that the owner had been well into the process at the time this application had been filed. In fact, the Planning & Zoning Board had approved the project in October, 2001. He displayed a three-dimensional rendering of the project approved by that Board, which had not included preservation of any portion of the existing Hotel. Mr. Kalis advised that the project had received a lot of compliments.

Mr. Kalis reported that after months of negotiations with the applicants, some sort of consensus had been reached. He advised that they had discussed preserving the eastern portion of the 1936 and 1937 buildings, including the lobby area, as historic. Mr. Kalis was willing to stipulate that the owner would have that area designated as historic. Commissioner Smith noted there was a photograph showing that front section of the building, and he stated that everything shown in the picture would be saved under this compromise.

Mr. Kalis referred to Mayor Naugle's concerns about demolition. He said the owner was willing to represent this evening that the property would be deed restricted with a covenant that would run with the land indicating that until the Commission made a final decision on a site plan for the entire property, no demolition permit application would be submitted for any portion of the Hotel. Mr. Kalis believed that would address any concerns about the possible demolition of any portion of the existing Hotel during or after the historic designation process.

Mr. Kalis noted that Mr. Dunckel had explained a process earlier, and he would agree to a de novo hearing before the Commission on the full matter if the compromise were accepted. Further, as a result of the Commission declaring a portion of the building historic, he recognized that the original site plan would no longer be considered approved. Mr. Kalis displayed some conceptual renderings of what the structures could look like, including the historically designated portion.

Mr. Foreman, Attorney representing the property owner, expressed concerns about how the Planning & Zoning and Historic Preservation Boards' roles interfaced with one another. He explained that under the ULDR, City staff and the Commission decided upon site plans. However, under entirely different criteria, the final approval for a Certificate of Appropriateness was handled by the Historic Preservation Board. As a result, there were conflicting interdependent variables, and every time one aspect of a design was changed to satisfy one Board, the approval of the other Board was invalidated. Mr. Foreman felt the Commission should be the final arbiter of the matter, and he thought the existing system should be reworked to avoid others finding themselves far along in the development process before other issues were raised.

Mr. Foreman reiterated that the owner had agreed to the historic designation of the front part of the Hotel, and additional concessions were being made to preserve and protect the property. Now, the owner wished to get into the mediation forum to get the details resolved. He submitted a memorandum about procedural problems and irregularities he thought the City might wish to investigate further.

Mr. Foreman pointed out that nothing to the rear of the front of the Hotel, as shown in staff's drawing, met the criteria for historic designation. He thought that was important because the Commission could vote for all of it, part of it, or all or part of it with conditions. Mr. Foreman referred to this historical finding itself. He did not feel the naval training constituted a significant event, nor did it constitute an event in the usual vernacular. He believed Ms. Rathbun had identified the work of Mr. France as significant, but he did not think there was evidence of any specific causal relationship as to the development of the state as a result. Finally, the only direct testimony about the building's architectural significance came from Mr. Snyder under oath at a previous hearing, and he had indicated it was not architecturally significant.

Mr. Strine, the property owner, advised that his family lived in Pennsylvania and vacationed in Fort Lauderdale. He stated that his family purchased this property 27 years ago and had labored with it over those years. Mr. Strine was not sorry "Spring Break" was a thing of the past, but he was interested in keeping this Hotel going. This development opportunity had arisen, and he appreciated the work that had been done over the past year to come up with a plan that would satisfy everyone. He felt the latest plan would preserve many of the architectural elements, including the full frontal elevation. Mr. Strine was pleased there was a tentative understanding of how the issues might be resolved, and he hoped the Commission would take that into consideration this evening.

*Mr. Steve Romaniello* believed the historical significant of the subject building was a matter of opinion with respect to the criteria. He did not feel it fit the criteria in terms of architectural significance, and he pointed out that World War II and other wars were all significant from a nationwide basis. Mr. Romaniello considered architecture an art that was open to interpretation, and he believed any site would fit at least one of the criteria if preservation were the goal. He thought it would be an injustice to allow a condominium with a hotel on the front, and he felt the owner should have the right to dispose of his property as he wished.

At 8:16 p.m., Commissioner Katz left the meeting. She returned at 8:19 p.m.

*Mr. Michael Grimme* advised he was an hotelier on the beach, and he had been involved in developing properties on the beach and in other parts of the City. He said that when he had first about this application, he had been taken aback. As an investor, he was concerned about survival. He pointed out that the owner had been investing in this property for many years, and he was seeking no variances to the Code of which Mr. Grimme was aware, but someone could come in at the "eleventh hour" after a property owner had already made a great investment in plans. Mr. Grimme did not think that was fair.

*Mr. Anthony Abbate* stated that he was a Professor of Architecture at Florida Atlantic University and grew up in Fort Lauderdale. He noted that this was a young City, and its identity as a place was tied to experiences and memories. Mr. Abbate said that Fort Lauderdale's architecture fulfilled a functional role, a real estate role, and a financial role, but it also contributed to what made this community unique, defined its character, and triggered its individual and collective memories. Mr. Abbate pointed out that the Lauderdale Beach Hotel had been one of the first urban buildings in the City, and it was notable because Roy France had taken the art-deco style several steps further to create a truly modern building with an asymmetrical composition of building volumes.

Mr. Abbate stated that most of Mr. France's buildings were located in Miami Beach, and the architecture of the Lauderdale Beach Hotel reflected the fact that the City had grown up in the 20<sup>th</sup> Century. It had been designed as a stand-alone building and remained so, which distinguished it from other buildings. Beyond its obvious architectural value, Mr. Abbate felt conservation could be integrated with new development, and the ultimate value of any building related to the idea that architecture had an effect beyond the property line. It was a social art, so any project that took into account context and history would increase a property's value to the owner and the community.

*Ms. Penny Marks* said she was opposed to designating this as a historic site. After living in Miami Beach for 10 years and observing the redevelopment, she was curious about preservation of this site as an isolated building. She stated that this area of Fort Lauderdale was not designated as an historic preservation area, and this was not a designated art-deco area either, in which all property owners had to adhere to certain standards. Ms. Marks found preservation of this building very incongruous with the area. She felt the City had already set a precedent that allowed developers to build beautiful, new structures in Fort Lauderdale without historic restrictions on the beach. Ms. Marks noted that various existing buildings had been demolished for new structures in the beach area. She compared this situation to the City requiring a single-family homeowner to keep an existing, obsolete carport if they wished to build a new home on the site. Ms. Marks hoped the Commission would not designate this as an historic structure and allow the owner to construct a beautiful new building.

*Ms. Sandra Casteel* did not feel Fort Lauderdale had done enough preservation in the community. As a former member of the Historic Preservation Board, she recalled that a survey of the buildings in the beach area had been performed a few years ago, but none of the listed buildings had been designated, so many had been lost. This building, however, was one of the few listed that could be saved. As a member of the State Historical Council, Ms. Casteel had seen some exciting projects on historic sites, which meant a great deal to the surrounding communities. Ms. Casteel hoped the Commission would hold on to this site, and some type of compromise would result in a wonderful, unique destination project that no other community had to offer.

*Mr. Christian Buisson* stated that he was present to lend his support to the property owner and hoped he could develop his property as he wished.

*Mr. Paul McRae* felt one of the greatest freedoms of American citizens was the right to develop their properties. He thought this right had to remain sacred. He noted that he had heard about the need to preserve the Lauderdale Beach Hotel only since the evening of the Planning & Zoning Board hearing. He felt that hearing had been extremely unfair, and he wondered where the applicants had been during the DRC process through which this project had gone. Mr. McRae thought the Historic Preservation Board should identify properties worthy of historic preservation long before the DRC process and public hearings on projects.

Mr. McRae stated that a historic designation would render the subject property much less valuable and less marketable. He wondered who would write the check for the millions of dollars the owner stood to lose because he was not being permitted to go forward with his plans. Mr. McRae did not feel this was the way to treat the property owner, who had struggled to keep this old hotel afloat for a long time. He felt a masterpiece had been designed that would bring the beach to a new level, and the project would provide new jobs for about 200 workers, first-class retail and dining experiences, and more than \$3 million in additional tax revenue. Mr. McRae added that the integration of residential dwellings in an entertainment district had proven successful, and he did not see how the City could deny site plan approval for a project that met or exceeded all zoning regulations. He urged the Commission to support the site plan approval and reject the historic designation.

*Mr. Bill Saunders* disliked the idea that someone other than the property owner, who had no money invested in a property, could submit an eleventh hour application for historic designation. However, he did not feel there was any question but that this building had historical significance to the City of Fort Lauderdale. Nevertheless, he was encouraged that the applicants and the property owner had come together and agreed on a compromise to accomplish both preservation and redevelopment.

*Mr. Albert Miniachi* supported the site plan approved by the Planning & Zoning Board. He believed the property owner had gone above and beyond requirements to get this project approved well within the bounds established by the Board. He also appreciated the historical aspect of the issue, but he felt the property owner had the right to build within regulations, so he hoped the Commission would reject the recommendation of the Historic Preservation Board.

*Mr. Dan Sluka* stated that he was absolutely in favor of the historic designation of the Lauderdale Beach Hotel, although he was sympathetic to the property owner. Nevertheless, he thought it was important to preserve some of Fort Lauderdale's history, and if a compromise could be reached, that was definitely the route to take. Mr. Sluka acknowledged that there were a lot of new high rise buildings on the beach and more were planned, and he hoped at least the front façade of this building would be preserved.

*Ms. Mary Lou Ingalls* felt that when the Navy had selected the Lauderdale Beach Hotel for its naval radar-training center, many people had come from all over the United States to train at that center. Those men and women had enjoyed the hospitality of Fort Lauderdale and come back later to make their homes here. Ms. Ingalls thought that was significant and applied to other buildings in Fort Lauderdale. She commended the parties for trying to reach agreement, and she wholeheartedly supported preservation of the front part of the Hotel.

*Mr. Ben Lyons* advised he was a member of the Central Beach Alliance Board, which favored the historic designation of the entire site. Personally, however, he believed the compromise was the best choice.

*Mr. Chuck Malkus* said his family had been interested in purchasing a hotel in the beach area, but he felt the parameters of the "hysterical" board were a joke. In fact, he could not even consider buying a hotel on the beach because the Board was "two-faced." Mr. Malkus had done a lot of research and spent a lot of money investigating the possibilities, but this process was flawed. Until that was addressed, he feared the City would face litigation and commended Commissioner Smith for trying to reach a compromise. Mr. Malkus hoped the Commission would be fair.

*Mr. Tim Schiavone*, of the Beach Council, agreed this process should be changed. He felt there were merits on both sides of this argument, and he was hopeful it could be worked out, but the greater challenge was avoiding this type of situation in the future. He felt that if someone had an application for site plan approval going through the process, it should disallow other applications for historic preservation associated with the same property, and visa versa. Mr. Schiavone believed that if a large hotel chain had invested in this property and worked for a year, there would be no chance of compromise or negotiation. Rather, there would be litigation. He felt it was important that a mechanism be put into place to make sure this type of thing never happened again.

*Mr. Eric Panico* stated supported the property owner's efforts to redevelop this property.

*Mr. Blane McRae* said he was present to support the property owner. He viewed the developers as visionaries rather than reactionaries, and he was behind the project 100%.

*Ms. Susan Rindley* looked forward to a new development on the beach, and she thought the approved site plan looked great.

*Ms. Abigail Schnell* did not support historic designation of this site and wanted to see the new project built.

*Ms. Barbara Ryan*, Past Chair of the Beach Council, said no one loved or respected history more than she, and she had a country house in North Carolina built in the 1800s, and she was meticulous in its preservation. She stated that she was a tenant in the Lauderdale Beach Hotel, so she had observed the daily struggle to keep up the structure and keep the property running. Ms. Ryan felt the owner had provided a plan that addressed every consideration and conformed with the City's carefully written Code. She advised that the Beach Council had endorsed the plan, and the time to designate the property historical significance was long past. Ms. Ryan felt the Historic Preservation Board should designate such properties as historic so owners were not "sucker punched" at a most inappropriate time.

*Mr. Kenneth Baublitz* stated that he had restored many homes in Fort Lauderdale, and he felt strongly for this property owner. He believed in the importance of historical preservation, but he did not feel that issue had been raised in a timely fashion in this case. Mr. Baublitz supported the approved site plan, and he also supported historic designation of properties at the proper times.

*Mr. Ralph Johnson*, Professor of Architecture at Florida Atlantic University (FAU), reported that his students had been presented with the challenge of designing a new hotel in conjunction with the existing building. He invited everyone to come and see the results because he believed it could be done. Mr. Johnson understood a compromise had been reached to preserve just the façade, and a similar concept had been used in CocoWalk. However, the façade had crumbled. Mr. Johnson felt this was a beautiful building, and he believed it could be restored and beautified. He hoped the Commission would take that into consideration because progress could occur within the context of historic preservation and in combination with this community's collective heritage.

*Mr. Keith Davis* said he visited this area of the beach every day, and he was concerned that someone could submit an application for historic designation at the last minute after years had passed during which something could have been done. He felt the property owner should be permitted to proceed as planned. Mr. Davis said the suggested compromise was more than he would offer if he owned the property and had made this investment.

*Ms. Lucie Roth* advised that she supported redevelopment of the Lauderdale Beach Hotel.

At 8:53 p.m., Commissioner Moore left the meeting. He returned at 8:55 p.m.

*Ms. Patricia Galati* supported the developer because she believed the proposed project would beautify the beach area.

*Mr. Charles Jordan* stated that when he had been appointed to the Historic Preservation Board, it had been very involved in the Flagler Heights neighborhood. He advised that the Board understood development rights, but he did not think there could be any serious argument against the historic designation of this building. Given that, it was necessary to acknowledge the redevelopment patterns of the area and examine whether or not the proposed project properly balanced redevelopment needs and preservation needs. Mr. Jordan noted that the Board did that at each of its meetings, and there was no fixed solution for historic preservation because everything had to be considered in context. He felt the compromise proposal should be presented to the Historic Preservation Board.

*Mr. Tom Welch* believed the Lauderdale Beach Hotel should be designated as a historic structure, but he liked the compromise position. He noted that a more proactive approach to historic preservation would have spared the developer a lot of aggravation and expense, so a compromise was in order, but he felt this property represented a great deal to past, present and future generations of Fort Lauderdale residents that created a sense of place that could not be recovered once it was gone.

*Mr. Steve Zelman* was concerned about this process and felt this designation should have been considered long ago, and he believed this type of process actually put landmark hotels out of business. He applauded the developer for his willingness to compromise and to create a beautiful condominium.

*Mr. Terence O'Connor* said he had brought his students at FAU down to see this building, and they had come back to class with an appreciation for its architecture. He was heartened that the owner agreed it was worthy of being saved, and he felt that worthiness was plainly evident. Mr. O'Connor felt this property had to be declared historic, and it should follow the process set forth in the ordinance that had empowered historic preservation.

*Ms. Margi Nothard*, Historic Preservation Board member, said that the Board worked very hard and brought a wide range of experience to the issues. She felt this was an opportunity for everyone to preserve this historic building, and she thought sufficient time should be taken to make a good decision for the entire City.

*Mr. John Street*, of the Central Beach Alliance Board, stated that the Alliance had been very sympathetic to the original proposal for this site, but many members had felt it was important to preserve at least some part of this important, early Fort Lauderdale structure. He believed the compromise was a terrific solution that would allow major redevelopment of the site while maintaining the history of the area. Mr. Street had not heard any reason why the Commission should not support the compromise.

*Mr. Bill Smart* said he had been a member of the Beach Redevelopment Board for two years in 1998 and 1999 when the "20/20 Vision" of Fort Lauderdale's beach had been developed. One of those visions had been compromises between new and old, which had been referred to as adaptive reuse of old buildings for historic preservation. He recalled that the then City Commission had unanimously approved that plan. Mr. Smart noted that the students at FAU had been working on this project for the past semester, and he had been impressed with their work, which had included a complete history of the Hotel itself and some wonderful solutions. He encouraged everyone to view the models, and he felt the City should always have three-dimensional models when buildings were under consideration. Mr. Smart encouraged the Commission to declare this site historic and then get on with the rest of the process.

Mr. Glassman expressed appreciation to everyone who had worked so hard to address this important issue, and he hoped the Commission would designate this site as historic.

Mr. Kalis reiterated the property owner's position. He believed that even those in favor of preservation were also sympathetic to the fact that the approved site plan had gone through a laborious process and were open to this compromise in fairness to the property owner. Mr. Kalis encouraged the Commission to consider this proposal:

- The property owner would consent to the historic designation of the eastern half of the Hotel, including the lobby area as displayed on the exhibit;
- The property owner would agree to a deed restriction or covenant on the property, that would run with the land, so that the building could not be demolished until a final site plan for the property had been approved by the City Commission;
- The property owner would agree to a de novo hearing in the event some resolution of the site plan could not be reached during the dispute resolution process with the understanding that the previously approved site plan had to be denied tonight;

Mr. Kalis thought it was a good idea for a Commissioner to be designated as a liaison for the dispute resolution process, and he was hopeful the ultimate result would be a project that would satisfy everyone concerned.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Commissioner Smith said he had taken this issue very seriously as the Commissioner who represented the majority of the beach area. He said he had a personal connection with the Lauderdale Beach Hotel because he'd found his first job there when he had moved to the City many, many years ago. Commissioner Smith advised he owned a home that had been built in 1928, and he was a firm believer in preservation because the most important cities kept their historic buildings. He did not think the City had done the best job of preservation, but it was important for the City's identity, an attachment to roots, and perspective.

Commissioner Smith did not agree with Mayor Naugle that some City staff members had, with nefarious intent, snuck away the important buildings. He thought it had been the fault of the City's "mothers and fathers" who had failed to pay sufficient attention to historic preservation. Commissioner Smith reported that this Commission had asked the City Manager to inventory the potentially historic buildings in Fort Lauderdale in order to take a proactive approach to preservation before property owners invested money in other plans. He agreed the Lauderdale Beach Hotel had some historic significance, but he thought it might be criminal to stop the property owners "dead in their tracks." Commissioner Smith also did not think the applicants had any nefarious intent, but they had realized someone had to make this effort before the opportunity for designation had expired. He appreciated what the applicants had done, but he held everyone accountable because they had to do it when they had. If it were not criminal, he thought it would be at least immoral to do anything besides compromise.

Commissioner Smith noted that there were people in the community who were concerned about big buildings, particularly at the beach, but he did not feel the historic designation should be used to address that issue. He felt that if people wanted shorter buildings at the beach, the law had to be changed to limit building height. Commissioner Smith understood some people favored fewer condominiums at the beach, and he had made an attempt to "outlaw" more condominiums in the Planned Resort Development District because he did not feel the beach was the appropriate place for condos. However, it was the "law of the land," and property owners should be able to rely on the regulations that were in place.



Commissioner Smith felt a compromise was in order, and he had been thrilled that the applicants and the property owner had reached consensus. He said all parties agreed a compromise would be the fairest solution after many meetings, and they had basically drawn a pencil line on the building. Commissioner Smith thought the owner had a very exciting idea, although he no longer wanted to be in the hotel business, to provide a historically themed restaurant. He felt that would be a wonderful tourist destination, so he proposed that the front of the hotel be designated historic with all the protections the property owner had stipulated. As a result, there would be no opportunity for any of the structure to be cut until a site plan was approved. Commissioner Smith considered this compromise a display of good faith and fairness.

Commissioner Katz supported Commissioner Smith's compromise. She, too, had been concerned about how this whole thing had been handled, but she was happy to hear that an acceptable compromise had been reached. Commissioner Katz thought the fact that historic preservation had not been taken seriously in the past was the fault of the entire community because if people felt strongly about it, it had to be addressed through an established process. She agreed it was totally unfair to impose additional processes after someone had gone through so much time and expense to get a site plan approved.

Commissioner Katz stated that FAU had \$5,000 that could be used to help the City with a survey, and the City had set aside \$50,000 to update the historic property survey conducted several years ago. That list, however, had only identified buildings that were at least 50 years old, and Commissioner Katz thought it was necessary to take the next step to ensure historic preservation in Fort Lauderdale. She noted that Code enforcement action was necessary in the meantime so that historically significant structures were not allowed to fall into ruin. Commissioner Katz hoped the City, the community and FAU would work together to preserve whatever historical properties remained.

Commissioner Moore applauded everyone who had worked so hard in this respect, and he agreed that property owners should be able to follow established guidelines when trying to develop or redevelop properties. He believed the Historic Preservation Board had been used in the past in order to deal with other issues such as building height, and he did not feel the Board should be used in that fashion. Commissioner Moore agreed with earlier speakers who felt the Commission should always have three-dimensional models when site plans were under consideration in order to understand the appearance and potential impacts on surrounding properties.

Commissioner Moore did not think hotel buildings could be viable with small bathrooms and guest rooms that could not compete in the market place, but he advocated the preservation of historic structures up front. He understood that some people preferred hotels to condominiums in the beach area, but he felt that was a function of the marketplace. Commissioner Moore admired the fact that a compromise had been reached, although he was not sure designating part of the building as historic was necessarily the proper approach, but he trusted appropriate language would be drawn to accomplish the intent.

Commissioner Hutchinson thought the City or the property owner should have been the applicant in this case. She believed that progress and historic preservation could work together as indicated by representatives from FAU, and it had worked well across the country. She was concerned that there would be no history left in Fort Lauderdale when the City celebrated its 100<sup>th</sup> birthday. Commissioner Hutchinson was pleased that a compromise had been reached, but she intended to support the Historic Preservation's Board recommendation that the entire site be designated historic. Then, she wanted that Board to consider the compromise position.

Mayor Naugle knew many felt that the property owner had not been on notice that this building could be considered historically significant, but the marketing material for the Hotel over the past several years had referred to it as the "historic Lauderdale Beach Hotel." In fact, there had been another plan for this site some years ago for a new hotel behind the old hotel because of the coastal setback line. He explained that people often preserved lower buildings that fell seaward of that line and then built behind them, so it had not been too difficult to bring out that old concept and adapt it to a condominium project.

Mayor Naugle noted that concerns had been raised about diminishment of property values, but historic preservation made money, as demonstrated all over the country. It promoted tourism and enhanced property values, and he referred to the Sailboat Bend area as an example of how well that concept worked. Mayor Naugle compared this situation to one in which someone purchased land covered with mangroves. He did not think anyone needed to tell that owner that he could not chop down those mangroves, and he did not view historical buildings any differently.

Mayor Naugle recalled when Commissioner Sheila Harrigan had helped work out a compromise to preserve the Shepherd Estate. In that case, an apartment development had been stopped with an application from the Historical Society, and townhouses had been constructed as a compromise, which now surrounded that beautiful building. So, he did not feel the owner had been surprised at the last minute. Mayor Naugle felt the owner should apply for a Certificate of Appropriateness for a partial demolition, with the site plan presented to the City Commission, as prescribed. He noted that even if the Board denied the Certificate, it could be appealed to the Commission, and it could adopt the compromise plan.

Mayor Naugle stated that the decision of the Historic Preservation Board had been unanimous, and its members had been appointed by this City Commission. He noted that they were all volunteers who should be thanked for the work they were doing, but if the full historic designation of the site was not approved, he might be able to support the stipulated agreement with the deed restriction. However, he preferred full designation of the site and the partial designation sent back to the Board for consideration.

Mayor Naugle disclosed that he had spoken with the applicant, the property owner, the students at FAU, and the City Clerk had copies of e-mails and the telephone call log he had received about this matter. He had also spoken with Barbara Curtis, member of the Planning & Zoning Board. Commissioners Hutchinson and Katz had spoken with the same people and various members of the public. Commissioner Moore had as well, with the exception of Ms. Curtis. Commissioner Smith disclosed that he had spoken to the same individuals except Ms. Curtis, and he had also discussed the issue with his wife.

Commissioner Smith wished to designate a portion the Lauderdale Beach Hotel as historic based on the criteria contained in the Code relating to the southern side of the building to the west of the balconies. A photograph of the building was displayed, and Commissioner Smith pointed out the portion of the building in question. Mayor Naugle suggested that a line be drawn on the photograph itself. Commissioner Smith understood there would be a deed restriction that would prevent demolition of the rear portion of the building until a site plan had been approved, permits had been issued, and construction had been started.

There was some difficulty defining the exact boundaries of the area of the building to be declared historic. Mr. Glassman examined the lines proposed by Commissioner Smith on a survey of the property but noted that he had not agreed to the concept of partial designation at the outset. He was nervous about the process based on the language of the ordinance because it did not provide for "lopping" off half of a site right away. Rather, it appeared the whole parcel could be designated historic if the Commission agreed it met the criteria, and then Certificates of Appropriateness could then be considered for certain portions. Mayor Naugle noted that certain conditions could be imposed, although he thought the "cleaner" way to do it was to designate the entire parcel.

Commissioner Smith believed conditions could be imposed that would prevent demolition of any portion of the building until construction of the condominium was started. Ms. Miller explained that those conditions could be imposed and, with the denial of the site plan, all of the issues could be moved forward for resolution prior to resubmission to the City Commission. She believed language could be included that would provide whatever security was necessary. Commissioner Smith understood that nothing could be done to the building in the meantime insofar as demolition was concerned. Ms. Miller agreed that was true unless the property owner went to court and had this action reversed, but she believed the owner had already stipulated to a de novo hearing.

Commissioner Smith wanted full building permits at the beginning of the condominium construction. At that point, the developer would need the ability to demolish the rear portion of the existing building in order to finish the foundation. Ms. Miller stated that the resolution heading could be amended to indicate designation of a portion of the Lauderdale Beach Hotel as historic, and staff would work with the applicant and the property owner on the specifics to be included in the body of the resolution. In addition, the stipulations and conditions would be reflected in the record.

Ms. Miller noted that the ordinance referred to a "site" as a designated landmark, so clarity was necessary as to what was considered the site. Commissioner Smith considered the building footprint to be the site. Mayor Naugle wondered if that would allow something to be built in front of the hotel without touching the footprint. Ms. Miller thought the side and front property lines would be used for three of the boundaries, and the cut off would be located on the building footprint. She added that all of this would be subject to the resolution process, which would result in a site plan for Commission consideration.

Commissioner Hutchinson asked if this matter would go back to the Historic Preservation Board. Ms. Miller replied that it would not under the dispute resolution process. However, the new site plan would go to the Planning & Zoning Board and then come back to the Commission for approval.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-58

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING A PORTION OF THE LAUDERDALE BEACH HOTEL LOCATED AT 101 SOUTH ATLANTIC BOULEVARD, FORT LAUDERDALE, AS A HISTORIC LANDMARK PURSUANT TO SECTION 47-24.11 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS AND IDENTIFYING THE SITE UPON WHICH THE LAUDERDALE BEACH HOTEL IS LOCATED.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Katz, and Smith. NAYS: Commissioner Hutchinson and Mayor Naugle.

**Site Plan Approval/PRD/Lauderdale Beach Hotel LLC -  
Lauderdale Beach Condominium (PZ Case No. 51-R-01) ..... (PH-2)**

At the October 17, 2001 regular meeting, the Planning and Zoning Board approved the following application by a vote of 5-3. (Also see Item PH-1 on this Agenda).

Applicant: Lauderdale Beach Hotel LLC  
Request: Site plan approval/PRD  
Location: Lauderdale Beach Condominium, 101 South Fort Lauderdale Beach Boulevard

Mayor Naugle called for those who wished to be heard. There were none.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF MULTI-FAMILY UNITS, RESTAURANT AND RETAIL USE AND APPROVAL OF SETBACK REDUCTIONS ON PROPERTY LOCATED AT 101 FORT LAUDERDALE BEACH BOULEVARD IN FORT LAUDERDALE, FLORIDA IN A PRD ZONING DISTRICT AS A SITE PLAN LEVEL IV DEVELOPMENT.

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Which resolution was read by title only. Roll call showed: YEAS: None. NAYS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle.

**Site Plan Level III/Waterway Use/Yard Modification/RMM-25 –  
The Palms on Las Olas, Inc. – 309 Bontona Avenue (PZ Case No. 1-R-02) ..... (PH-3)**

At the April 2, 2002 meeting, the City Commission approved by a vote of 5-0 to schedule a public hearing to consider the following application:

Applicant: The Palms on Las Olas, Inc.  
Request: Site Plan Level III/Waterway Use/Yard Modification/RMM-25  
Location: 309 Bontona Avenue

Mayor Naugle called for those who wished to be heard. Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following appeared:

Ms. Angela Csinsi, Construction Services, stated that the Planning & Zoning Board had approved this application by a vote of 4 to 2, and the City Commission had subsequently requested review. She explained that the Commission had the authority to review the application if it were found that the new project required additional review to ensure development standards and criteria had been met and that surrounding areas were protected from impacts. Ms. Csinsi stated that the Board had approved this application under the following condition:

Any future development on the applicant's property to the south would be set back 20' from the common property line, leaving 30' of space between this building and any future single-family home built on the south lot in the future, as provided by restrictive covenant;

Ms. Csinsi advised that the applicant had indicated it was in compliance with ULDR 47-23.8 – Waterway Use – which stated in part that buildings and land uses on parcels abutting waterways in non-residential and multi-family districts would be designed to preserve the character of the City and neighborhoods in which they were located and harmonized with other development in the area, and protected and enhanced the scenic quality and tranquility of the waterways. She stated that the applicant's response had been distributed to the City Commission.

Ms. Csinsi said that waterway uses had to provide 20' landscaped yards adjacent to a waterway and had to comply with ULDR 47-25.3 – Neighborhood Compatibility Scale, Bulk and Mass. She noted that there was a single-family area to the south of the subject site, which had a maximum height limitation of 35'. She described the surrounding area, and advised that the applicant's site was zoned RMM-25, which allowed a maximum height of 55' for multi-family uses.

Ms. Csinsi reported that the applicant was seeking a modification of yards to accommodate the pool in the rear setback and in the side setback adjacent to the single-family district. The applicant had indicated it met one of the criteria for yard modifications, as stated in the back-up information, and that criteria stated that allowing this reduction would be compatible with adjacent properties. Ms. Csinsi stated that the application met the shadow requirements as noted on the last page of the exhibit memorandum.

*Mr. Dick Coker*, Attorney representing the applicant, distributed a list of additional conditions that were proposed on the approval of this site plan. He said that since the Planning & Zoning Board meeting, the applicant had met with each of the City Commissioners and the Mayor, and there had been several meetings with members of the community over the past few weeks. Several issues had been raised, and they had been addressed by the conditions he had distributed. Mr. Coker also distributed a drawing of the western elevation showing the single-family home to the south, which Mr. Schiff also owned.

Mr. Coker recalled that he had provided a summary of the conditions of the property at the last meeting with the Commission when this review had been called. He noted that the applicant owned both the subject site and the single-family site to the south. In addition, the Planning & Zoning Board had approved a six-unit condominium with a 10' side setback on the north, with the stipulation that there be a 20' side setback on the south adjacent to the single-family lot. It had called for this stipulation to be included in a declaration of covenants and restrictions to follow the land.

Mr. Coker stated that since that time, the project had changed somewhat after additional input. He believed understanding had been reached with the members of the community who had participated in the discussions. He said the conditions were acceptable to the developer and the community. Mr. Coker referred to the number of dwelling units. He advised that 6 units had been approved initially, and the Land Use Plan allowed up to 7 units. However, the applicant had agreed to constructing no more than 4 units, with parking on the bottom floor, and 1 unit per floor for the next 4 floors. Commissioner Smith inquired about the size of the unit, and he was advised they measured about 3,500 square feet under air, plus balconies each.

Mr. Coker referred to the setbacks. He stated that the north side setback would be a minimum of 20', and an additional foot-for-foot was required at heights over 22'. In addition, there was some language that had been written by Mr. John Wilkes, which clarified how a non-conforming use would fit onto the site in connection with this restriction. That language was:

Provisions for non-conforming use and other variances or variables otherwise provided by the ULDR would not be applicable. Any modification or release of the restriction would be subject to the City Commission's review and approval with a notice of hearing to all adjacent property owners as otherwise defined in the ULDR.

Mr. Coker advised that the setback abutting the RMM-25 lot had changed somewhat from that approved by the Planning & Zoning Board in order to step back the building more and create greater setbacks. He pointed out that the design had always involved a stepped-back approach with different setbacks at different levels. Mr. Coker said there would be at least a 10' setback on the first floor on the south side.

Mayor Naugle understood the minimum setback areas would not include any stairwells. Mr. Coker stated there would be a minimum 10' setback from the building face on the first floor. On the second floor, there would be 15' setback from the building face, but the balcony would encroach into that area for a 7' setback on the second floor, 10' on the third floor, 12' on the fourth floor, and 15' on the fifth floor. Mr. Coker stated that the height of the building would be 50' as defined by the Code. On top of that, there would be a parapet wall of 3' or 4', which would be just high enough to hide the mechanical equipment. He said that no structure would be permitted on the roof in excess of the height of the parapet wall.

Mr. Coker reported that the remainder of the site plan was as approved by the Planning & Zoning Board, and there were some conditions that had been written by Mr. Wilkes and to which the applicant agreed:

The covered parking, as presented on the site plan, as presented on the first level would remain the same, whereby there would be an aggregate of 13 parking spaces, including 1 designated handicapped space. A provision had been made on the site plan for parking, temporary standing, unobstructed area would be available for those service vehicles that would not otherwise fit under the building, in the drive area and off the street.

Mr. Coker explained that this would provide an off-street area for larger vehicles to pull in and deliver goods without having to go into the parking garage. Another condition was:

The landscaped swale areas would remain in grass or configured whereby excess parking for the building would be able to park on the swale, and the design would enhance or comply with the sight lines otherwise required by the Code for unobstructed visibility for those entering or exiting Bontana Avenue.

Mr. Coker said that although probably not appropriate as a condition for site plan approval, the applicant had agreed to:

To ease the transition between the higher, intense zoning uses of the property abutting Las Olas Boulevard and the single-family residential properties to the south, should the neighborhood be successful in having approved an entranceway feature, the applicant would agree to the location thereof in the right-of-way adjacent to the southern boundary of the multi-family parcel, execute any documents reasonably necessary to accomplish same, and contribute the sum of \$7,500 to the cost of the construction thereof.

Mr. Coker asked the Commission to approve the site plan subject to the conditions suggested by the Planning & Zoning Board, and subject to the additional conditions read into the record tonight and submitted to the City.

Commissioner Hutchinson recalled discussion about the pool at the Planning & Zoning Board meeting. Mr. Coker agreed one of the yard modifications involved the pool, which would be within the 20' rear setback. He stated that would be a level pool at grade, which the Planning & Zoning Board had approved. Commissioner Katz asked Mr. Coker to explained where the balconies would protrude. Mr. Coker pointed them out on a picture. He stated that the only balcony, which would protrude into the 10' setback, would be the balcony on the second floor, which would protrude 3' into the 10' setback. He said the reason for that was the design in order to provide differing setbacks in the building.

*Mr. John Wilkes*, Attorney representing 5 residents of Bontona Avenue, said consensus had been reached. He submitted a petition signed by 50 people who supported the action proposed this evening.

*Mr. Tim Powers*, 417 Bontona Avenue, supported the site plan with the conditions and modifications stated. He stated that many residents objected to the zoning, which allowed such an intense use right next door to single-family zoning, but consensus had been reached in light of what could be built on the property.

*Mr. William Maury*, 412 Bontona Avenue, was glad the Commission had called for review of this site plan. He did not think anyone was happy with what could be permitted on the site, but this proposal was probably the best solution under the circumstances.

*Mr. Kevin Westfall*, 404 Bontona Avenue, said he had been surprised that the Planning & Zoning Board had approved the original site plan. He stated that the major concern involved the single-family street with two major properties at the end. Mr. Westfall thought the City had to be careful to preserve the integrity of neighborhoods in Fort Lauderdale, although he supported this proposal.

Commissioner Smith pointed out that the zoning had been put in place many, many years ago, and if people did not like it, they should contact their elected representative to make changes. Mr. Westfall agreed that was a good point, and he was also concerned about the architectural design of buildings and how they fit into an existing neighborhood. He was hopeful everyone would work together in this respect.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Mayor Naugle disclosed that he had spoken with the applicant in this regard, as well as John Wilkes, and Barbara Curtis, and he had received a fax from Dave Hancock. Commissioner Hutchinson had spoken with Michael Schiff, and she had received several faxes. Commissioner Smith disclosed that he had spoken with John Wilkes, Michael Schiff, Dick Coker, and Bob Hord in this regard. Commissioner Katz had discussed the matter with Mr. Schiff. Commissioner Moore had spoken with John Wilkes and the applicant.

Mayor Naugle appreciated the reduction in the number of units, but he still felt the applicant should be held to the required setback of half the height of the building.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-59

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A SITE PLAN TO CONSTRUCT A MULTI-FAMILY STRUCTURE ON A WATERWAY AND REQUEST FOR YARD MODIFICATION LOCATED AT 309 BONTONA AVENUE, FORT LAUDERDALE, FLORIDA IN AN RMM-25 ZONING DISTRICT.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, and Smith. NAYS: Mayor Naugle.

**Amend Ordinance No. C-01-48 and Section 24-47(7) –  
Royal Palm Frond Removal Service - Las Olas Isles Neighborhoods ..... (O-1)**

An ordinance was presented amending Ordinance No. C-01-48 and Section 24-47(7) of the Code of Ordinances entitled, "Royal Palm Frond Removal Service," to reduce the service charge for Royal Palm frond removal service to the Las Olas Isles neighborhoods; and further extending the applicability of such ordinance. Ordinance No. C-02-7 was published March 23, 2002, and was approved on first reading April 2, 2002 by a vote of 5-0.



Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-7

AN ORDINANCE AMENDING ORDINANCE NO. C-01-48, AND SECTION 24-47(7) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "ROYAL PALM FROND REMOVAL SERVICE," REDUCING THE SERVICE CHARGE FOR ROYAL PALM FROND REMOVAL SERVICE TO THE LAS OLAS ISLES NEIGHBORHOODS; AND FURTHER EXTENDING THE APPLICABILITY OF THIS ORDINANCE.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Amend Chapter 26 – "Two Wheels On, Two Wheels Off" Parking in Swales – Lauderdale Manors Neighborhood ..... (O-2)**

An ordinance was presented amending Chapter 26 of the Code of Ordinances to provide for "two wheels on, two wheels off" parking in swales in the Lauderdale Manors Neighborhood. Ordinance No. C-02-8 was published April 13, 2002, and was approved on first reading April 2, 2002 by a vote of 5-0.

Commissioner Moore noted that this ordinance involved a new, proposed parking method in Lauderdale Manors. He explained that he had asked that information be sent to individuals in that neighborhood before this second reading of the ordinance so everyone would be aware, and over 2,000 notices had been sent out. Commissioner Moore noted that correspondence and a petition of opposition containing 5 signatures had been sent to the City by Ms. Patricia Bailey today, although she had not been able to attend this hearing. Her correspondence indicated her opposition to the ordinance because she did not feel Lauderdale Manors had been designed to accommodate this type of parking. She believed it would do more harm than good, and she was concerned that it would leave only 13' for through traffic on some streets. Ms. Bailey also believed it would lead to accidents, and she had enclosed a map of the area.

Commissioner Moore pointed out that Lauderdale Manors was the first neighborhood in Fort Lauderdale that had utilized the Crime Prevention Through Environmental Design (CPTED) concept, and it was designed to limit cut-through traffic.

*Mr. Frank Byron*, 1541 Northwest 15<sup>th</sup> Terrace, opposed this ordinance for the reasons stated in Ms. Bailey's letter. He understood one of the major reasons for this was to replenish the aquifer through water settling, but he had lived there for 18 years, and he had observed 4" to 6" of water vanish in moments on the berm areas. He advised that the water disappeared even faster with the "v cuts" on the streets, and there were storm drains in the area now. Mr. Byron understood this was the highest area in the City, and his doorstep was 13' above sea level.

Mr. Byron stated that water did stay on his property, and his yard was a designated wildlife preserve. He said there were large lots with sandy soil, and the water dissipated as fast as the rain fell. He noted that the houses on the lots were fairly large, and the streets were about 20' wide. Mr. Byron believed the streets were safe, and he had rarely observed speeding traffic because the streets were too curvy. He pointed out that there were a lot of children living in the area, and they played in the streets. Mr. Byron thought closing off the streets would be a disaster for those children.

Mr. Byron understood the intent was to keep vehicles from compacting the swales, but he believed the swales were already as compacted as they would ever be, and the water settled anyway as if it were going down a drain. He believed people would prefer to park on their lots rather than half on the street, and then that land would become compacted. Mr. Byron felt the loss of 8' in the streets would allow only one lane of traffic, and it would interfere with the peaceful assembly of area residents. He hoped the Commission would reconsider it.

Commissioner Moore noted that Ms. Bailey had also addressed the recreational use of the roadways in her correspondence.

*Mr. Willie Rogers*, 1745 Lauderdale Manors Drive, opposed the ordinance. He stated that the street in front of his house only measured 20'6", so with this type of parking on each side, there would only be 12' left for passing traffic, which would not allow two vehicles to pass. In addition, there were buses that passed through the area, and garbage trucks had to get through twice a week, too. Mr. Rogers did not think this would be helpful to the community.

*Ms. Cynthia Farmer*, 1306 Northwest 11th Place, did not feel the roads in this area were wide enough for this type of parking. She also opposed the idea of a \$14 fine and felt it should be held off until trees were planted in the swales.

*Mr. Ulysses Reed* said he had been a resident of Lauderdale Manors since 1976, and the Fire Department down the street already experienced problems accessing the area to help people. In addition, there was a bus stop in front of his house, and he was concerned that the school buses would not be able to get through. Mr. Reed advised that his children played in the road, and he did not want the City to destroy the neighborhood.

*Ms. Ella Johnson*, 1224 Northwest 11<sup>th</sup> Court, said she had lived in the neighborhood for 25 years. She was against the proposal, although she acknowledged that it would slow traffic, but she did not think the streets were wide enough. Ms. Johnson stated that she had discussed this with a lot of other people, and she had received a lot of negative responses.

*Mr. Earl Johnson*, 1224 Northwest 11<sup>th</sup> Court, opposed the ordinance for the reasons stated by Ms. Bailey. He was concerned about accidents and the additional cost of insurance that would result.

*Ms. Ann Sedell*, 1541 Northwest 15<sup>th</sup> Terrace, was against this new parking idea. She stated that the roads were narrow, and this would not leave enough room for cars to pass. Ms. Sedell said she had been parking on her swale for a long time, and the water still seemed to drain down, so she did not know that drainage was much of a problem.

Commissioner Moore said he had some reservations because those who had advocated this idea were not present this evening, which was why it had been important to ensure that everyone had received notice. He did not feel there was overwhelming opposition to the ordinance, and he understood the concerns. Commissioner Moore noted that access by fire trucks had been listed as a disadvantage in the back-up material, but he thought the proposal would certainly slow traffic and provide other benefits.

Commissioner Moore advised that communities in Lauderdale Lakes used this parking practice, and he hoped everyone understood that only a six-month trial period was being suggested from May through September. If the potential concerns did, in fact, arise during the trial period, Commissioner Moore said he would be the first to abandon the practice.

Commissioner Moore said he supported this for all the reasons outlined in the back-up material. He appreciated that some people in the neighborhood did not have drainage problems, but he received many complaints over the past 15 years. Commissioner Moore advised that another concern were the number of residents who did not maintain the swales, and the City had provided new trees in various areas of Lauderdale Manors at a cost of over \$100,000. In addition, some sidewalk improvements had been done, and people parking on the swales had damaged the landscaping and sidewalks in some areas. He thought this parking proposal would also help eliminate the number of vehicles that had been abandoned on the swales.

Commissioner Moore stated that if he found this idea was not workable during the six-month trial period, he would take appropriate action. He encouraged people to contact him if there were problems, and he advised that the movement of garbage trucks and other large vehicles would be followed during the trial period. He believed this would be beneficial to this community, and it would serve as a pilot program with the hope of expanding it into other communities.

Commissioner Moore acknowledged that two cars would not be able to pass each other, but that was a benefit of the proposal because that would slow traffic and make drivers much more mindful of conditions. As a result, he believed the children playing in the area would be safer.

Mayor Naugle said he had really wanted to try this concept, but he was concerned no one had appeared to speak in support of the ordinance. He preferred to table second reading of the ordinance, and he wanted to visit the neighborhood. Commissioner Moore pointed out that this pilot program had been discussed over a year ago, and he had suggested that Commissioners visit Lauderdale Lakes to examine the benefit of the idea. Further, the civic association in this area had asked that it be used for the pilot program. He, too, was concerned that the advocates were not present, but they had been present when the ordinance had been considered on first reading.

Commissioner Smith agreed with Mayor Naugle. He was not comfortable supporting this ordinance either since no one had appeared in favor of it. Commissioner Smith preferred to table this now to see if there was support at some subsequent meeting. Commissioner Hutchinson agreed she would be more comfortable if someone from the neighborhood were present to speak about the positive aspects of the proposal. Commissioner Moore had no objection to deferring second reading to May 7, 2002.

**Motion** made by Commissioner Moore and seconded by Commissioner Smith to defer second reading of Ordinance No. C-02-08 to 6:00 p.m. on May 7, 2002. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amend Chapter 12 – Elections – Campaign Financing ..... (O-3)**

An ordinance was presented amending Chapter 12, "Elections," of the Code of Ordinances, amending Section 12-1 to provide for campaign financing provisions supplementing state law; creating Section 12-3, "Definitions," creating Section 12-4, "Campaign Contribution Limits and Prohibited Contributions," to provide for campaign contribution limitations and specifying entities and organizations prohibited from making contributions to candidates in elections for Mayor-Commissioner and City Commissioner; and creating Section 12-5, "Penalties." Notice of proposed ordinance was published April 13, 2002.

Mayor Naugle felt the proposal to limit campaign contributions to individuals was a good one in order to restrict contributions from corporations or political action committees (PACs). He thought this was a meaningful proposal, although he had not supported the "welfare for politicians" proposal with matching public funds for candidates because he did not feel that was an appropriate expenditure of tax dollars. He stated that he had personally limited his contributions in the past to \$25 or less, so it could be done, and he felt this was a good compromise.

Commissioner Smith wished to recognize Ed Curtis, Chairman of the Charter Revision Board, who had provided so much assistance with this effort. He was proud of this Commission for considering this legislation, which he had proposed along with term limits 5 years ago. Commissioner Smith noted that staff's research for this ordinance had indicated that this was the most far-reaching legislation of its kind regulating campaign contributions, so Fort Lauderdale was providing a model for the rest of the country to remove undue influence that large campaigns had and eliminate the unfair advantage of incumbents. Commissioner Smith believed this would also attract more and better candidates by leveling the playing field.

Commissioner Katz found the illusion of corruption offensive as the reason why something like this was necessary. She thought that if any city was "squeaky clean," it was Fort Lauderdale. She also disagreed with the idea of disenfranchising businesses by not allowing them to contribute \$250 to campaigns. Commissioner Katz pointed out that she represented businesses in her district as well as residents. Mayor Naugle noted that individual contributions could be made even if a contributor did not live within the City limits. Commissioner Katz said that many people preferred to contribute through their businesses, possibly to take it as a deduction, and she felt this discriminated against businesses. However, she did support the \$250 contribution limitation, which differed from the rules in other areas.

Commissioner Moore did not view this as campaign reform. Rather, it addressed perceptions. He thought campaign reform should address accessibility to individuals making their platforms, possibly through utilization of the public access channel. Commissioner Moore felt that would level the playing field. He thought contributions should be limited by the candidates themselves. Commissioner Moore felt this matter should be sent back to the Charter Revision Board so it could address campaign reform rather than contributions, although he did not object to the \$250 limit. However, he did object to eliminating participation by taxpayers, such as corporations, businesses, limited partnerships, and others who had to deal with the laws and regulations of the City.

Commissioner Moore said he had also been bothered by the corruption issue, and he could not recall any time in the history of Fort Lauderdale when election corruption had been raised. He was concerned about this far-reaching legislation, and he preferred that far-reaching action be taken on getting people to clean up their properties and those sorts of matters.

Commissioner Moore believed there was an issue of a criminal act in this ordinance. For example, if an individual contributed the maximum to a candidate's campaign, he wondered if they could be accused of a criminal act if they invited the candidate to their home to discuss his platform and spent a few more dollars on the event. He wondered if the criminal would be the candidate or the contributor. *Mr. Ed Curtis*, Chair of the Board, stated that the criminal penalties had been removed from the ordinance, and only civil actions could be taken. As he understood it, it would be the candidate who would be subject to civil action, but he preferred that the City Attorney address that issue.

Mr. Michael Pawelczyk, Assistant City Attorney, stated that civil penalties would be limited to \$500 per violation under the ordinance, as recommended by the Board and staff. Commissioner Moore wondered who conducted an investigation in the scenario he had outlined. Mr. Pawelczyk stated that the investigation would be handled like any other through the Police Department. Commissioner Moore understood candidates would be subject to this action for an error made by someone else. He did not think that would attract more and better candidates. Mayor Naugle thought candidates could reimburse contributors if they inadvertently contributed more than allowed, and if a candidate could not figure that out, perhaps he should not be running for an office that would only get more complicated if elected.

Commissioner Moore said he had returned checks when someone had contributed more than the allowed amount, but such things could be easily overlooked, and then an opponent could effect a Police Department investigation. He did not view this as reform, but as criminalizing candidates. Commissioner Moore thought that if leveling the playing field was the goal, there should be reform with respect to accessibility to the voters.

Commissioner Smith did not think police investigation would be necessary. Rather, the City Clerk could monitor the contributions, just as the State already monitored contributions up to \$500. In this case, nothing changed except the amount. Mr. Pawelczyk believed the State Division of Elections had a specific commission that investigated these types of complaints. He thought the Police Department would probably handle initial complaints and, if there were sufficient evidence, it would be referred to the County Courts as a civil violation. Mr. Pawelczyk thought it would probably be the City Attorney's Office, which would decide if a violation should be taken to County Court.

Commissioner Smith advised that he had conducted research dating back 17 years. He had learned that only 2 incumbents had been defeated by a challenger in an election. Commissioner Moore wondered if those 2 Commissioners had more money to campaign than had the incumbents. Commissioner Smith felt the system was skewed in favor of incumbents. Commissioner Moore did not believe it had been the money that caused those results but the name recognition and the deeds performed by the incumbent while in office. He thought greater good could be achieved by allowing greater accessibility by candidates such as debates, etc. Mayor Naugle noted that in the last mayoral election, there had been 27 debates held among the candidates.

There was some confusion as to how the enforcement of the ordinance would be handled, and the Commission requested clarification of that issue prior to second reading of the ordinance.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-09

AN ORDINANCE AMENDING CHAPTER 12, "ELECTIONS," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 12-1 TO PROVIDE FOR CAMPAIGN FINANCING PROVISIONS SUPPLEMENTING STATE LAW; CREATING SECTION 12-3, "DEFINITIONS"; CREATING SECTION 12-4, "CAMPAIGN CONTRIBUTION LIMITS AND PROHIBITED CONTRIBUTIONS," TO PROVIDE FOR CAMPAIGN CONTRIBUTION LIMITATIONS AND SPECIFYING ENTITIES AND ORGANIZATIONS PROHIBITED FROM MAKING CONTRIBUTIONS TO CANDIDATES IN ELECTIONS FOR MAYOR-COMMISSIONER AND CITY COMMISSIONER; AND CREATING SECTION 12-5, "PENALTIES."

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: Commissioner Moore.

**Vacate Utility Easement –  
Sovereign Development Group (Case No. 13-M-01a) ..... (R-1)**

A resolution was presented authorizing the vacation of a utility easement being that portion of Progresso Drive lying between N.E. 12 Street and N.E. 7 Avenue, and also lying easterly of Block 148, Progresso, Plat Book 2, Page 18(D). (Also see Item R-2 on this Agenda)

Applicant: Sovereign Development Group  
Request: Vacate utility easement  
Location: 1130-1140 N.E. 7 Avenue

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. C-02-60

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THAT PORTION OF THE UTILITY EASEMENT RETAINED OVER THE VACATED PORTION OF PROGRESSO DRIVE AS SHOWN ON THE PLAT OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF NORTHEAST 12<sup>TH</sup> STREET (PLATTED AS AVENUE "G") AND BOUNDED ON THE SOUTHWEST BY THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 7<sup>TH</sup> AVENUE (PLATTED AS 16<sup>TH</sup> STREET), LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Vacate Utility Easement – Sovereign Development Group (Case No. 13-M-01b) ..... (R-2)**

A resolution was presented authorizing the vacation of a utility easement being a portion of the vacated north/south alley in Block 148, Progresso, Plat Book 2, Page 18(D). (Also see Item R-1 on this Agenda).

Applicant: Sovereign Development Group  
Request: Vacate utility easement  
Location: 1130-1140 N.E. 7 Avenue

Commissioner Moore introduced a written resolution entitled:

**RESOLUTION NO. 02-61**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE WEST 6 FEET OF THE SOUTH 45 FEET OF THE NORTH 50 FEET OF THE UTILITY EASEMENT RETAINED OVER THE VACATED ALLEY IN BLOCK 148, "PROGRESSO", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LOCATED EAST OF NORTHEAST 7<sup>TH</sup> AVENUE, BETWEEN NORTHEAST 12<sup>TH</sup> STREET AND PROGRESSO DRIVE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Vacate Utility Easement – Third Avenue Associates (Case No. 4-M-02) ..... (R-3)**

A resolution was presented authorizing the vacation of a 15-foot by 25-foot utility easement being a portion of Tract "B," First Federal of Broward, Plat Book 94, Page 20. (Also see Item R-4 on this Agenda).

Applicant: Third Avenue Associates Ltd.  
Request: Vacate utility easement  
Location: 350 S.E. 2 Street

Commissioner Smith inquired about the status of this project in the review process. Mr. Chris Barton, Construction Services, stated that this was associated with Las Olas Place, and it involved a 163-unit residential development. He reported that the developer was currently responding to comments from the Development Review Committee (DRC). He advised that once the DRC comments were satisfied, it would be sent to the Commission for the 30-day call up period.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-62

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE UTILITY EASEMENT OVER THE NORTH 15.00 FEET OF THE EAST 25.00 FEET OF THE WEST 290.00 FEET OF TRACT "B", "FIRST FEDERAL OF BROWARD", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 94, PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LOCATED ON THE SOUTH SIDE OF SOUTHEAST 2<sup>ND</sup> STREET, BETWEEN SOUTHEAST 3<sup>RD</sup> AVENUE AND SOUTH FEDERAL HIGHWAY, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Vacate Utility Easement – Third Avenue Associates (Case No. 5-M-02) ..... (R-4)**

A resolution was presented authorizing the vacation of a 30-foot by 170-foot utility easement being a portion of Tract "B," First Federal of Broward, Plat Book 94, Page 20. (Also see Item R-3 on this Agenda).

Applicant: Third Avenue Associates Ltd.  
Request: Vacate utility easement  
Location: 350 S.E. 2 Street

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-63

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, VACATING THE UTILITY EASEMENT OVER THE NORTH 80.00 FEET OF THE EAST 30.00 FEET OF THE WEST 265.00 FEET, AS MEASURED ALONG THE SOUTH LINE OF TRACT "B", "FIRST FEDERAL OF BROWARD", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 94, PAGE 20; TOGETHER WITH THE NORTH 90.00 FEET OF "BROWARD AVENUE", AS SHOWN ON "M. A. HORTT'S SUBDIVISION OF LOTS 3 AND 6 OF BLOCK 29 AND LOT 1 OF J. N. OLIVER'S SUBDIVISION OF LOTS 3 AND 4 OF BLOCK 29 OF TOWN OF FORT LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 3; BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LOCATED ON THE SOUTH SIDE OF SOUTHEAST 2<sup>ND</sup> STREET, BETWEEN SOUTHEAST 3<sup>RD</sup> AVENUE AND SOUTH FEDERAL HIGHWAY, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.



**Transfer from General Fund Contingencies and Agreement –  
Broward County - Participation in the Rain Shut-Off Device Pilot Program ..... (R-5)**

A resolution was presented authorizing the proper City officials to execute an agreement with Broward County for the City to participate in the Rain Shut-Off Device Pilot Program; and further authorizing the transfer of \$5,041.22 from General Fund Contingencies to Construction Services Bureau account PBS020201/B215. (Requested by Mayor Naugle) (Also see Item I-G on the Conference Agenda).

Commissioner Moore introduced a written resolution entitled:

**RESOLUTION NO. 02-64**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SUPPORTING THE RAIN SHUT-OFF DEVICE PILOT PROGRAM TO PROMOTE WATER CONSERVATION THROUGHOUT BROWARD COUNTY; ACCEPTING RAIN SHUT-OFF DEVICES FROM BROWARD COUNTY; AND AUTHORIZING THE DONATION OF PERMIT FEES FROM GENERAL FUND CONTINGENCIES FOR THE INSTALLATION OF THESE DEVICES.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Local Agency Program (LAP) Application  
and Agreement – Florida Department of Transportation (FDOT) –  
Project 10435 – Dorsey Riverbend Neighborhood Improvements ..... (R-6)**

A resolution was presented authorizing the proper City officials to submit an LAP application with FDOT for funding the design, construction, and construction management for the Dorsey Riverbend neighborhood improvements; and further authorizing the proper City officials to execute an LAP agreement with FDOT for reimbursement of appropriate costs.

Commissioner Hutchinson was disappointed that this project had been funded at the same time as the State Road 84 enhancement money came forward, yet both projects had not been moved forward.

Commissioner Moore introduced a written resolution entitled:

**RESOLUTION NO. 02-65**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE FILING OF A LOCAL AGENCY PROGRAM APPLICATION WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ENHANCEMENT GRANT TO FUND PEDESTRIAN AND BICYCLE FACILITY IMPROVEMENTS IN THE DORSEY RIVERBEND NEIGHBORHOOD.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Maintenance Memorandum of Agreement (MOA) –  
Florida Department of Transportation (FDOT) – Landscaping  
Improvements to State Road 5 (U.S. 1) and State Road A-1-A/  
S.E. 17 Street Causeway - Project 10420 – Parade of Planes Event ..... (R-7)**

A resolution was presented authorizing the proper City officials to execute a maintenance MOA with FDOT for landscaping/irrigation improvements in an amount not to exceed \$25,000 for State Road 5 (U.S. 1) from the south side of the Henry E. Kinney Tunnel south to State Road 84, and State Road A-1-A/S.E. 17 Street Causeway from U.S. 1 east to Eisenhower Boulevard.

Commissioner Moore introduced a written resolution entitled:

**RESOLUTION NO. 02-66**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER OFFICIALS TO ENTER INTO A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, PROVIDING THAT THE CITY WILL MAINTAIN THE LANDSCAPED AREAS OF U.S. HIGHWAY 1 FROM THE SOUTH SIDE OF THE HENRY E. KINNEY TUNNEL SOUTH TO STATE ROAD 84, AND ON THE 17<sup>TH</sup> STREET CAUSEWAY FROM U.S. HIGHWAY 1 EAST TO EISENHOWER BOULEVARD.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Designation of Section 49 of Lauderdale Memorial Park  
Cemetery for Burial of Individuals of the Jewish Faith ..... (R-8)**

A resolution was presented designating Section 49 of the Lauderdale Memorial Park Cemetery for burial of persons of the Jewish faith.

Commissioner Smith introduced a written resolution entitled:

**RESOLUTION NO. 02-67**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING SECTION 49 OF LAUDERDALE MEMORIAL PARK CEMETERY FOR BURIAL OF THOSE OF THE JEWISH FAITH.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: Commissioner Moore.

**Designation of Blocks 1A, 2, 2A, 3  
(Exclusive of Lot 16) and Block 3A (Exclusive of Lot 12),  
of Evergreen Cemetery, for Burial of Individuals of the Jewish Faith ..... (R-9)**

A resolution was presented designating Blocks 1A, 2, 2A, and 3 (exclusive of Lot 16) and Block 3A (exclusive of Lot 12), of Evergreen Cemetery, for burial of persons of the Jewish faith.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING BLOCKS 1A, 2, 2A, 3 (EXCLUSIVE OF LOT 16), AND 3A (EXCLUSIVE OF LOT 12) OF EVERGREEN CEMETERY FOR BURIAL OF THOSE OF THE JEWISH FAITH.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith and Mayor Naugle. NAYS: Commissioner Moore.

**Intent to Convey Property to the Fort Lauderdale  
Community Redevelopment Agency (CRA) – Redevelopment  
of Konover Project (Located on Broward Boulevard, just west of I-95) (R-10)**

A resolution determining and declaring the City's intent to convey certain public property known as the Konover Project, located on Broward Boulevard, just west of I-95, to the Fort Lauderdale CRA; and further designating a public hearing scheduled for June 4, 2002 to consider such proposal.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 8.02 OF THE CHARTER OF THE CITY OF FORT LAUDERDALE DETERMINING AND DECLARING ITS INTENTION TO CONVEY CERTAIN PUBLIC PROPERTIES TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF FORT LAUDERDALE TO ASSIST IN THE ELIMINATION OF SLUM AND BLIGHTED CONDITIONS BY PROVIDING FOR COMMERCIAL REDEVELOPMENT IN ACCORDANCE WITH THE COMMUNITY REDEVELOPMENT PLAN, AND DESIGNATING A DATE AND TIME FOR A PUBLIC HEARING UPON SUCH PROPOSAL.

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Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Amendment to Task Order 6 – Westin Engineering –  
P00260 – Treatment Facilities Security System ..... (OB)**

An amendment of a current task order with Westin Engineering was recommended to increase the scope of work in order to produce a security assessment that would comply with the security assessment methodology recently developed and endorsed by the U.S. Environmental Protection Agency (USEPA).

Commissioner Moore wondered if this meant that if the money were not forthcoming, this task would not be performed. Mr. Mike Bailey, Public Services Department, agreed that was correct. He explained that there was an existing security assessment of utilities facilities, and it had been reviewed. He was confident that provided the information necessary, but the USEPA had established a preferred methodology that was very detailed, so it would be beneficial. However, if the grant were not forthcoming, staff would probably not be recommending this \$60,000 expenditure for this purpose.

Commissioner Smith wondered if this could be deferred for further consideration. That was Commissioner Moore's preference as well. Mr. Bailey advised that the deadline for the grant application was April 29, 2002. The City Manager explained that this was a recent opportunity from the federal government. He said this would provide another source of money to address security needs at utilities facilities, and he did not think it would harm the City to pursue the funds for something the Commission had already determined was necessary.

Commissioner Smith asked if there was a City match of money involved, and Mr. Bailey replied that there was no requirement for a City match. He noted that the City had already committed to paying the \$275,000 cost of the original task order for security assessment and design of improvements for all utilities facilities, and it could recoup \$115,000 if an assessment that met USEPA standards were performed, at a cost of \$60,000. Commissioner Moore asked how staff had learned about this grant, and Mr. Bailey believed the information had come from the American Waterworks Association. The City Manager thought the information had also been provided by the League of Cities. Commissioner Katz characterized this as a grant for \$55,000. Mr. Bailey agreed it was a grant for the difference between the \$115,00 and \$60,000.

**Motion** made by Commissioner Smith and seconded by Commissioner Hutchinson to authorize an Amendment to Task Order 6 with Westin Engineering for P00260 – Treatment Facilities Security System. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: Commissioner Moore.

**Lake Mabel** ..... (OB)

A resolution was presented opposing any name change to the body of water known as Lake Mabel, located at Port Everglades. Commissioner Hutchinson asked that a copy of the resolution be sent to the City of Hollywood and to Broward County.

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 02-70

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT  
LAUDERDALE, FLORIDA, OPPOSING ANY NAME CHANGE TO THE BODY  
OF WATER KNOWN AS LAKE MABEL, LOCATED AT PORT EVERGLADES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Advisory Board Appointments ..... (OB)**

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Charter Revision Board	Ed Curtis Debbie Orshefsky Mike Lockwood Dan Lewis James D. Camp Jr.
Civil Service Board	Kaye Pearson Art W. Kennedy
Education Advisory Board	Egle V. Gallagher
Marine Advisory Board	Lee Marteeney John Pisz
Planning and Zoning Board	Alysan Childs
Unsafe Structures and Housing Appeals Board	Charles H. Schneider
Citizen Review Board	Gerlyn Cadet

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT  
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH  
IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**County A-1-A Greenway Improvements Study ..... (OB)**

Commissioner Katz requested a letter to Broward County Commissioner Lori Parrish requesting that while the County was performing its study, the boundary be expanded to Lauderdale-by-the-Sea. She thought Commissioner Hutchinson might want the boundary expanded on the other side all the way to State Road 84. Commissioner Hutchinson agreed that would be nice.

**Motion** made by Commissioner Katz and seconded by Commissioner Smith to request Broward County expand the study boundaries to Lauderdale-by-the-Sea and to State Road 84. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

At 11:30 P.M., Mayor Naugle adjourned the meeting.

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Jim Naugle  
Mayor

ATTEST:

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Lucy Masliah  
City Clerk

Index of a Regular Meeting  
April 23, 2002  
Page Two

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
PH-1	02-58	Historic Designation – Lauderdale Beach Hotel (HPB Case No. 27-H-01) .....	12
PH-2	Defeated	Site Plan Approval/PRD/Lauderdale Beach Hotel LLC – Lauderdale Beach Condominium (PZ Case No. 51-R-01) .....	27
PH-3	02-59	Site Plan Level III/Waterway Use/Yard Modification/ RMM-25 – The Palms on Las Olas, Inc. – 309 Bontona Avenue (PZ Case No. 1-R-02) .....	28
O-1	C-02-07	Amend Ordinance No. C-01-48 and Section 24-47(7) – Royal Palm Frond Removal Service – Las Olas Isles Neighborhoods .....	31
O-2	Deferred	Amend Chapter 26 – “Two Wheels On, Two Wheels Off” Parking in Swales – Lauderdale Manors Neighborhood .....	32
O-3	C-02-09	Amend Chapter 12 – Elections – Campaign Financing .....	35
R-1	02-60	Vacate Utility Easement – Sovereign Development Group (Case No. 13-M-01a) .....	37
R-2	02-61	Vacate Utility Easement – Sovereign Development Group (Case No. 13-M-01b) .....	38
R-3	02-62	Vacate Utility Easement – Third Avenue Associates (Case No. 4-M-02) .....	38
R-4	02-63	Vacate Utility Easement – Third Avenue Associates (Case No. 5-M-02) .....	39
R-5	02-64	Transfer from General Fund Contingencies and Agreement – Broward County – Participation in the Rain Shut-Off Device Pilot Program .....	40
R-6	02-65	Local Agency Program (LAP) Application and Agreement – Florida Department of Transportation (FDOT) – Project 10435 – Dorsey Riverbend Neighborhood Improvements .....	40
R-7	02-66	Maintenance Memorandum of Agreement – (MOA) – Florida Department of Transportation (FDOT) – Landscaping Improvements to State Road 5 (U.S. 1) and State Road A-1-A/S.E. 17 Street Causeway – Project 10420 – Parade of Planes Event .....	41
R-8	02-67	Designation of Section 49 of Lauderdale Memorial Park Cemetery for Burial of Individuals of the Jewish Faith .....	41
R-9	02-68	Designation of Blocks 1A, 2, 2A, 3 (Exclusive of Lot 16) and Block 3A (Exclusive of Lot 12) of Evergreen Cemetery for Burial of Individuals of the Jewish Faith .....	41
R-10	02-69	Intent to Convey Property to the Fort Lauderdale Community Redevelopment Agency (CRA) – Redevelopment of Konover Project (Located on Broward Boulevard, just West of I-95) .....	42
OB		Amendment to Task Order No. 6 – Westin Engineering – P00260 – Treatment Facilities Security System .....	42
OB	02-70	Lake Mabel .....	43
OB	02-71	Advisory Board Appointments .....	44
OB		County A-1-A Greenway Improvements Study .....	44